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ABSTRACT

The purpose of this book is to raise the level of awareness and understanding of educators concerning the issues, problems, and efforts in international human rights. Intended for teachers, administrators, and curriculum writers, the book discusses human rights activities of international and regional organizations, principles of international law, the role of the United States, relevant social science research findings, and the political realities that affect governmental and organizational attitudes. Chapter I analyzes the 1974 Unesco Recommendation concerning education for international understanding. Chapters II and III provide an historical review of international education and a description of Unesco and United Nations human rights instruments. An overview of international systems for the protection of human rights is presented in Chapter IV. Chapter V focuses on the United States and human rights, followed by a review of research findings concerning students' international knowledge and attitudes in Chapter VI. Chapter VII provides a critical survey of selected curriculum materials dealing with international human rights and international education. The conclusions reached during the course of the study, presented in Chapter VIII, include recommendations for further research, teacher preparation with an intercultural dimension, improved instructional materials, and a more concerted effort to launch international human rights education. Appendices are included. (Author/DB)

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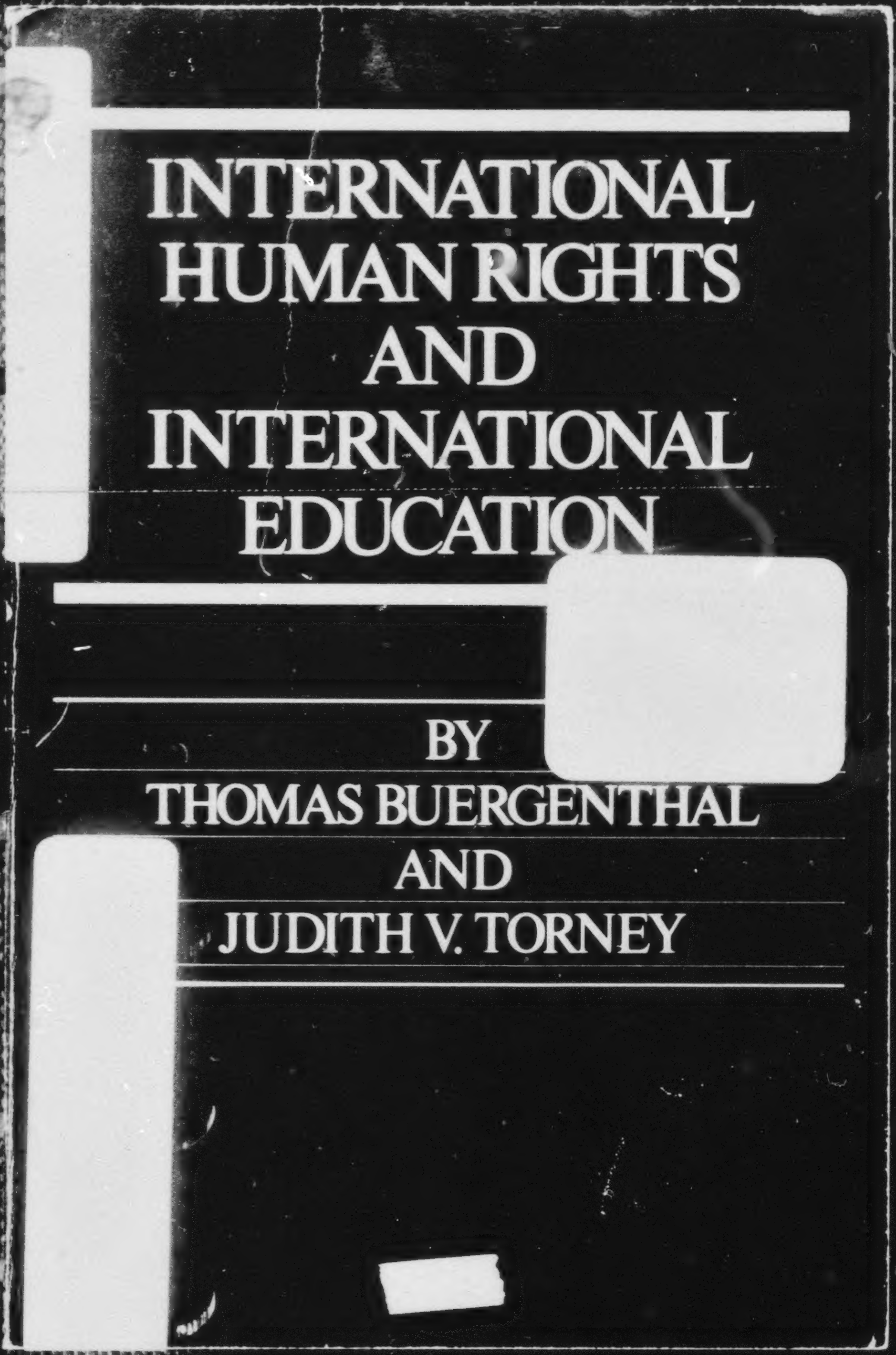

INTERNATIONAL HUMAN RIGHTS AND INTERNATIONAL EDUCATION

BY
THOMAS BUERGENTHAL
AND
JUDITH V. TORNEY

DEC 20 1976

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The US National Commission for UNESCO is a 100-member body of individuals and non-governmental organizations created by the Congress in 1946 to advise the US Government on UNESCO's programs and budget and to carry out programs in the fields of education, science and culture.

To Susan, Elizabeth and Katherine Torney and to
Robert, John and Alan Buergenthal in the hope
that some of the educational ideals
discussed in this book will become
reality in their lifetime.

Published by US National Commission for UNESCO

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Preface

The past decade witnessed a significant expansion of UNESCO programs and activities in the human rights field. The U.S. National Commission for UNESCO has as a result devoted increasingly more time and resources to this important subject. In 1972, the Commission concluded that the interest of the United States in promoting, strengthening and monitoring meaningful UNESCO human rights programs warranted the establishment of a Human Rights Task Force. Drawing on distinguished American human rights scholars, educators and practitioners, the Human Rights Task Force has since its establishment assisted in the formulation of U.S. government policies on and proposals for UNESCO human rights programs and activities; it has also performed a number of important educational and advisory functions for the Commission.

This excellent book by Professors Thomas Buergenthal and Judith V. Torney is the first major scholarly work to be produced under the sponsorship of the Human Rights Task Force of the U.S. National Commission for UNESCO. The impetus for its publication was provided by the promulgation in 1974 of the UNESCO "Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms." The authors served with distinction on the U.S. Government Delegation which participated in the drafting of that instrument.

Written by two eminent scholars — one an international lawyer and human rights expert, the other a psychologist and international education specialist — this book provides a skillfully executed overview of international human rights law and institutions, the history and objectives of international education, and social science research findings relevant to international education programs. The book draws knowledgeably and imaginatively on the teachings of a number of disciplines, and succeeds in presenting complex information and valuable insights in a form that educators, students and concerned laymen alike will find both highly instructive and interesting.

The authors deserve our thanks for this book and for enabling the reader to gain a better understanding of contemporary international education and human rights issues. It is my profound hope that the work by Professors Buergenthal and Torney will serve as a model for future scholarly publications emanating from the U.S. National Commission for UNESCO.

Lauren. D. Rachlin
Chairman (1972-1976), Human
Rights Task Force of the U.S.
National Commission for UNESCO

Foreword

By any humanistic standard, human rights should be the common property of mankind. However, they are not yet broadly available to the majority of the world's people. Any advance in their realization on any front benefits in one way or another the people of all nations.

Human rights represent an especially critical problem in an interdependent world. Their wider realization is increasingly required in achieving understanding, cooperation, and peace between and among nations as well as within nations. Countries with extensive human rights may sometimes seem unstable or inefficient, but those without substantial human rights are not likely to endure.

The subject of international human rights should be of natural concern to American educators sensitive to our country's origins and development, particularly in this Bicentennial period as we reassess the past and try to help shape the national course for the future. As we have learned in the civil rights revolution in our country during the past decade, America cannot be America without a national value system that has at its core a firm dedication to enlarging human rights and individual liberty. Despite manifold shortcomings when measured against the theoretical ideal, the fact remains that largely because of its major contribution thus far to the biography of human rights on this planet the United States continues to represent the most successful demonstration yet of the potential of human beings in a free society.

This book will help laymen understand the legitimate interest that the international community has in the manner in which governments treat human beings. Our national interest requires similar concern. As both the present volume and current international developments make clear, the U.S. Government does not regard human rights as exclusively a domestic matter. Increasingly, both the Executive and Legislative Branches are expressing a higher level of official concern in foreign policy terms. The authors' judgment that "the international protection of human rights is rapidly emerging as a political issue of enormous moral force" is borne out not only by the evidence cited in the book, but also by such developments as "Basket III" in the 1975 Helsinki Agreement and the daily news events as this book goes to press. In the current crisis in southern Africa, Secretary of State Kissinger has called upon the governments concerned "to take account of the conscience of humanity." There is clearly strong U.S. concern for the rights of all the people involved.

In our democracy in this era of increasing global interdependence, the international knowledge of citizens young and old must be broadened to strengthen public support for enlightened foreign policy and effective participation in international cooperation. An appropriate concern for international human rights is now an essential element in citizenship education.

We know generally that in the United States students acquire most of their perceptions about international affairs outside the school, particularly from television. Regardless of the actual source of knowledge and of the question of what should be the responsibility of the educational system, a variety of studies show we still have a long way to go to meet the more traditional and non-controversial objectives of international education in the schools.

The most recent carefully designed study is *Other Nations, Other Peoples*, a national survey of what a representative sample of American students in Grades 4, 8, and 12 throughout the country know and think about the rest of the world. The extent of serious ignorance and misconception revealed in many of the findings is disturbing. This important study of the formation and change of international knowledge and attitudes was conducted by the Educational Testing Service for the U.S. Office of Education and involves data collected in the fall of 1974. The final report of the study has just been completed, and a summary is scheduled for publication by USOE in late 1976.

Education concerning international human rights, a topic now as fundamental to international education as any commonly considered, is clearly more complicated in several respects than learning about the geographic location, natural resources, or national leaders of other countries. It is a subject that requires the kind of systematic analysis that formal educational programs can provide. But it is also a subject that would benefit greatly from more careful attention in the mass media. Educational television could play a particularly important role, perhaps in some instances in conjunction with the U.S. National Commission for UNESCO.

While many subjects and issues of major contemporary importance have found their way into the American curriculum during the educational reform movements of the past twenty years, international human rights has not yet entered the mainstream of educational concerns. American schools have done an increasingly commendable job of dealing with the complex challenge of human rights in this country, but like educational systems elsewhere they hardly have begun to face the international dimensions of the subject.

The study of international human rights has a unique contribution to make to the international knowledge and attitudes of teachers. But it is especially significant for the students now in school — for the global orientation of the first generation of citizens who will have to cope with the fullness of interdependence. Each teacher — and every student — is a potential founding father for the future. A global perspective on human rights should be part of the basic education of everybody from now on, particularly for those who are going to live the balance of their lives in the 21st century.

Given the role of human rights in the revolutionary origins of the United

States and the continuing national commitment to fuller achievement of human rights in the pursuit of a "more perfect union" in our multi-ethnic, pluralistic society, American education would seem to have an almost inevitable responsibility to take the lead in educational attention to international human rights. As a matter of individual right to enhance personal growth as well as of national interest in an interdependent world, each student should have the opportunity to learn about the principles and issues of international human rights to enable him or her to understand the problem and ultimately help contribute to its solution through a global perspective on the rights and responsibilities of citizenship in an interdependent world.

This book will contribute significantly to raising the level of awareness and understanding of educators concerning the issues, problems, and efforts in international human rights. It has the important related values of stimulating reexamination of how well our schools are doing in teaching about human rights in the United States and reinforcing existing efforts to place the American experience in world perspective and vice-versa.

With the inclusion of all the basic international human rights agreements and instruments of the major international and regional organizations, the clear explanation and analysis of each, the basic information about the international and regional systems for the protection of human rights, and the summary of the involvement of the United States in international human rights, the book can help educators in the U.S. and elsewhere develop a basic understanding of both the political and educational aspects of the subject.

The book not only provides essential background material, a variety of ideas, and a stimulus to future study, but also contains much helpful specific information which will enable teachers to strengthen present efforts or initiate attention to this important subject in the classroom. Of special interest is the opening chapter which focuses on the UNESCO Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms. The chapter includes a detailed analysis of the Recommendation and the U.S. contribution to its development. Many teachers will find particularly useful the later chapters dealing with the summary of research on students' international knowledge and attitudes and with the critical review of selected educational materials currently available for dealing with the principal topics of the UNESCO Recommendation.

As one considers the full range of possible approaches to preparation for teaching about international human rights, appropriate attention should be given to possibilities for cooperation between and among nations. At the international level, as the first chapter of this book makes clear, UNESCO already has made a significant contribution through its 1974 Recommendation. While not without flaw, taken as a whole the Recommendation represents an important broad consensus on principles and practices concerning education for international understanding. Various opportunities exist for experimenting with other forms of educational cooperation through regional organizations, bilateral efforts, or special arrangements. For example, an interesting next step that the U.S. National Commission for UNESCO might consider in helping maintain its present momentum on behalf of international human rights would be the joint sponsorship with the UNESCO national commissions of selected other countries of a scholarly comparative study of the treatment of international human rights in the secondary school textbooks of the cooperating countries.

There should be no illusion about the great magnitude and difficulty of the challenge that international human rights education represents for the schools. Not only does the subject have its own special complexities, but its importance is not widely understood in or out of school, little educational attention has been devoted to it to date, good instructional materials are relatively scarce, the number of teachers who are well trained in the field is small, and very few teacher education institutions are yet equipped to prepare teachers through either preservice or inservice training programs.

Cynics might argue that educational effort on behalf of international human rights is a waste of time, that political reality precludes effective action. There is no doubt that international human rights in the real world is very complicated business. The difficulties are compounded by the complexities of both human nature and national sovereignty. However, the case for devoting serious attention in the schools to international human rights is clearly justified by the subject's intrinsic significance, its natural relationship to the American creed, its contribution to the development of a global perspective, and its long term consequences for effective citizenship in an interdependent world.

The human value system is at the heart of the matter. A proper concern for human rights at home and abroad needs to become part of the shared commitment in "the minds of men," to use UNESCO's time-honored phrase. Whether the spirit and perspectives are those of the founding fathers of a free society or of contemporary voices like Nobel laureates Sakharov and Solzhenitsyn, human rights are fundamental to the achievement of human potential.

To borrow a related perspective from Nigel Calder in the postscript to his important new book about how and why it happens that "people are predisposed to learn to be civilized" and "why in spite of it our human world is noted for its adult sins and follies":

> Our nature commits us to being political animals, even when the constituency is no larger than a family. Fretting about issues of right and wrong is the price we have to pay for being more sentient than the ants, and for having the opportunity to make social progress. But a renewed sense of wonder about our privileged position in nature, and about the rich and vulnerable qualities of human life, may heighten political wisdom.*

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*Nigel Calder, *The Human Conspiracy: The New Science of Social Behavior.* Viking, 1976, p. 136.

In summary, international human rights is a first order issue in the contemporary world. Despite being among the noblest and most pressing of causes, it is largely neglected in the educational systems of most countries. The study of international human rights has special relevance for Americans and is a new imperative to be accommodated in the general education curriculum at all levels. American education is presently not well equipped to deal with it at any level.

This book on international human rights effectively brings together for educators the fundamental documents, related analysis, and summaries of relevant educational research and experience to date. It will help open the subject to serious study in elementary and secondary schools, in teacher training programs, and in general education efforts in college, university, and adult education programs. The book will also help increase our national capability for international cooperation in education.

We are fortunate to have this work readily available as we begin our third century as a nation, for it seems clear that one of the most pervasive and crucial issues of the next hundred years will be whether the principles of human rights can be made meaningful for the majority of mankind. All forward looking educators are indebted to Professors Buergenthal and Torney for providing this practical introduction to a complex subject which is so basic, yet so neglected. Special commendation is due the U.S. National Commission for UNESCO for its foresight and leadership in commissioning the study and publishing the results to assure widespread accessibility.

September, 1976

Robert Leestma
Associate Commissioner
for Institutional Development
and International Education
U.S. Office of Education

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The counsel, encouragement and assistance of many individuals have made this book possible. They should neither be blamed for its shortcomings nor held responsible for the opinions expressed in it, but they richly deserve credit for improving its quality.

The Secretariat of the U.S. National Commission for UNESCO under the able guidance of Mr. John E. Upston, its Executive Director, and Mr. Richard K. Nobbe, its Deputy Director, has been unsparing in its support for our project. We profited immensely from Mr. Nobbe's knowledge, imagination, organizational talents and good will. His enthusiasm and wise counsel greatly facilitated the writing of this book; we could not have asked for a more valuable colleague. Other members of the Secretariat, notably Ms. Barbara J. Good and Ms. Sally Cutting, must also be singled out for giving us the benefit of their experience and for devoting many hours to this project, for which we are also grateful.

Our special thanks must also go to Lauren D. Rachlin, Esq., the distinguished Buffalo attorney, who was instrumental in the establishment of the Human Rights Task Force of the U.S. National Commission and who has performed such outstanding service as its first chairman. Mr. Rachlin's enthusiastic support for this project, extensive experience in dealing with domestic and international human rights matters, and unusual talent for getting things done proved to be invaluable to us.

Dr. Robert Leestma's scholarly and administrative contributions to the international education efforts of the U.S. Government are well known. His extensive experience with international organizations and his manifold efforts to help link the American educational community with the world educational community for mutual benefit further qualify him to write the foreword to this book. We are pleased that he has agreed to make this contribution to our efforts.

We were also most fortunate to be able to draw upon the knowledge and experience of Dr. Richard D. Forster, Deputy Director, Directorate for UNESCO Affairs, U.S. Department of State; Mr. Frederick H. Lawton, Directorate for UNESCO Affairs, U.S. Department of State; and Dr. Boyd Bosma, Civil Liberties and Intergroup Relations, Teacher Rights Division, National Education Association. Each of them read the manuscript in draft form; their comments and our discussions with them proved to be extremely helpful to us in making needed revisions.

We should also like to acknowledge our debt to Dr. Constantine Warvariv, Deputy Permanent Delegate, U.S. Mission to UNESCO. His extensive and insightful grasp of UNESCO affairs has provided us with a better understanding of many problems discussed in this book.

Dr. Richard W. Fogg's perceptive and useful survey of international education teaching materials found in Chapter VII greatly enhances the value of our book, and we thank him for his fine contribution.

We are most grateful for the extensive and invaluable editorial assistance that we received from Mrs. Dorothy A. Buergenthal and Mrs. Anne F. Vollmar. Their suggestions for revisions and persistent questioning of inadequately developed ideas made this a much better book than it would otherwise have been. We are also greatly indebted to Mr. Donald D. Young, a law student at the University of Texas, who compiled the materials in the Appendix, provided bibliographic assistance, and helped us in many other ways to get this book to press.

The Graduate School of the State University of New York at Buffalo awarded a small grant during 1974-75 to Professor Buergenthal who was at that time on the faculty of its law school. We were most grateful for the opportunity this grant afforded us to undertake some of the preliminary research relating to this book.

Our secretaries, Mrs. Joan Beaton in Illinois, and Mrs. Alyce Lottman and Mrs. Hanna Stanberry in Texas, suffered through the various drafts of this book with great patience and handled them with true professional competence. They have earned our special thanks and appreciation.

As in any collaboration with authors located as far apart as Illinois and Texas, our families have had to cope alternately with absent family members and visiting co-authors. We therefore express particular gratitude to the Reverend E. Keith Torney and Mrs. Dorothy A. Buergenthal for their interest and understanding as well as to our children, to whom we dedicated this book.

March, 1976

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CHAPTER ONE

The 1974 UNESCO "Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms"

I. INTRODUCTION

This book introduces American educational policy makers, school administrators, and teachers to the objectives and principles articulated in the 1974 UNESCO "Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms."* The Recommendation is an important policy statement bearing on vital contemporary educational issues. It deserves serious consideration whatever one's views about the propriety of some recent UNESCO action.[1]

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is one of a number of so-called specialized agencies (*e.g.*, ILO, WHO, FAO) that are affiliated with, but not formally a part of, the United Nations. Each of these agencies has its own organizational structure, consisting of a secretariat as well as executive and policy-making bodies. The functions and powers of these bodies are spelled out in the constitutions of these organizations. The UNESCO Constitution is embodied in a treaty that entered into force in 1946 and thus brought the Organization formally into being. Its current membership consists of 135 states.[1a]

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* The Recommendation is reproduced in the Appendix.

> The UNESCO Constitution declares that it is the purpose of UNESCO to contribute to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations. (Art. 1.)

The 1974 UNESCO Recommendation, which was adopted to promote these aims through education, recognizes that genuine international understanding, cooperation and peace cannot be achieved without successful efforts to promote the protection of human rights on the national and international plane. Andrei Sakharov echoed this proposition in his statement accepting the 1975 Nobel Peace Prize: "What made me particularly happy was to see that the [Nobel] committee's decision stressed the link between defense of peace and defense of human rights, emphasizing that the defense of human rights guarantees a solid ground for genuine long-term international cooperation."[2] The 1974 UNESCO Recommendation not only affirms the link that exists between international education and human rights education; it also calls on governments, education officials and teachers to recognize this interrelationship and to translate it into action through appropriate educational policies, practices and programs.

This book is designed to encourage and facilitate these efforts by providing some of the background material and information we believe American readers will find helpful in assessing and acting upon the principles and objectives of the Recommendation. We begin with a short description of the drafting history and legal status of the Recommendation, followed by an analysis of its principal provisions. Subsequent chapters provide an historical survey of concepts and programs of international education; a description and analysis of international human rights principles and systems for their protection; a review of relevant social science research findings concerning the international knowledge and attitudes of young people; and a review of selected curriculum materials for students in grades 7 to 12 dealing with the topics of the Recommendation.

The choice of these topics was motivated by three basic considerations. First, the orientation of human rights education in the United States has been almost exclusively domestic in the sense that American students and teachers think of human rights primarily in terms of U.S. constitutional guarantees. Available teaching materials also reflect this orientation. International human rights, on the other hand, is a subject that receives little attention in the American classroom. Its obvious importance, if only as a pedagogic tool for bringing a global perspective to critical national and international issues, suggests that there is a real need for an international component to American human rights education. It would familiarize American students with the subject in order to explore the assumptions and policy implications inherent in the belief, which is reflected in international human rights instruments and in the 1974 UNESCO Recommendation, that mankind's yearning for human rights and human dignity is universal.[3] But the study of international human rights will not find its way into the American school curriculum until American teachers have access to the information they need to understand and present the subject. Since they do not currently have that information, we attempt to provide it in this book.

The second consideration that explains the choice of topics covered in this book is related to the fact that "education for international understanding, co-operation and peace" is not tied to any one or a limited number of school subjects. To encourage and help develop programs and curricula that promote global understanding requires knowledge about prior experience with such programs as well as research concerning the actual or potential impact of this type of education. These and related issues are explored in the chapters which provide an historical survey of international education concepts and programs and which review social science research findings concerning the international knowledge and attitudes of young people.

Finally, we believe that the practical value of this book would be greatly diminished if it failed to include a chapter dealing with available curriculum materials on the topics of the 1974 UNESCO Recommendation. This chapter, which was prepared by Dr. Richard W. Fogg, is intended to help teachers and school administrators implement the principles of the Recommendation by translating them into meaningful and pedagogically sound learning experiences.

II. THE LEGAL AND INSTITUTIONAL CONTEXT OF THE RECOMMENDATION

A. Its Legal Status

The manner in which international organizations establish international standards or legal norms differs from organization to organization.[4] UNESCO employs two legislative instruments for the adoption of international standards: international conventions and recommendations.

International conventions within the meaning of the UNESCO Constitution are treaties drafted under the auspices of the Organization. They are adopted by a two-thirds majority vote of the UNESCO General Conference[5] and become legally binding only for those states that have ratified (accepted) them. UNESCO recommendations, on the other hand, are passed by a majority vote of the General Conference and come into force as soon as they have been adopted. But as their name suggests, recommendations are non-obligatory statements of principles or norms which the Organization recommends should be applied or implemented by the Member States. We may consequently characterize the 1974 UNESCO Recommendation as a legislative or quasi-legislative act that *invites* but does not compel United States compliance with its provisions.

Although the Member States have no legal obligation to give effect to the provisions of a UNESCO recommendation, they are required by the UNESCO Constitution to bring the recommendation to the attention of those national agencies in their country that are empowered to regulate and act upon the subjects dealt with in the recommendation. The UNESCO Constitution also requires the Member States to file periodic reports with the Organization detailing what action, if any, they have taken to give effect to the recommendation.[6] These requirements are designed to accomplish two principal objectives: first, to give appropriate national agencies an opportunity to consider the advisability of implementing the recommendation; and, second, to encourage such implementation by putting governments on notice that their actions or inactions will have to be publicly explained and defended. An analysis of this constitutional framework suggests that, although governments do not have to comply with a UNESCO recommendation, there is an institutional expectation that they will make a good faith effort to do so.

The subject matter of the recommendation as well as the constitutional structure of a given country determines which national agencies have to be informed of the adoption and contents of a UNESCO recommendation. Since the 1974 UNESCO Recommmendation deals with diverse educational practices, policies and programs, the U.S. government would seem to be under an obligation to transmit copies of the instrument to all chief state school officers, to major private educational organizations, to the U.S. Commissioner of Education and to the U.S. Congress. The subjects covered by the Recommendation fall within the general jurisdiction of the States of the Union because they concern education, but many related policies are today also governed by federal guidelines. Programs designed to implement some provisions of the Recommendation might therefore qualify for funding under specific federal legislation applicable, for example, to teaching about ethnic heritage, to efforts to eliminate racial and sex stereotypes, as well as to area study, foreign exchange, and language programs.

The 1974 UNESCO Recommendation specifically invites the Member States to apply the provisions of the Recommendation "by taking whatever legislative or other steps may be required . . . to give effect . . . to the principles" that it proclaims. (Preamble, para. 7.) The Recommendation also calls on the Member States to bring it to the

> attention of the authorities, departments or bodies responsible for school education, higher education and out-of-school education, of the various organizations carrying out educational work among young people and adults such as student and youth movements, associations of pupils' parents, teachers' unions and other interested parties. (Preamble, para. 8.)

The publication and dissemination of this book by the U.S. National Commission for UNESCO represents one attempt to comply with the foregoing provisions. It gives concerned Americans an opportunity to learn about the Recommendation and examine its relevance for American education.

B. Its Drafting History

Over the past two decades UNESCO has developed a set of formal rules governing the drafting and adoption of, as well as the reporting procedures applicable to, international conventions and recommendations. They have been codified in the "Rules of Procedure concerning Recommendations to Member States and International Conventions covered by the terms of Article IV, paragraph 4, of the Constitution."[7] These rules envisage a drafting process that consists of a number of stages spread over a substantial period of time designed to ensure that the end-product, be it a convention or recommendation, has received careful consideration by the entire UNESCO constituency. This process, which was also followed with regard to the 1974 UNESCO Recommendation, fosters consensus among UNESCO Member States in favor of the particular standard-setting measure.

In 1968, the UNESCO General Conference authorized the Secretariat to study the advisability of preparing an international instrument on education to promote "the ideals of peace, understanding and respect between peoples." The importance of this project was reaffirmed by the General Conference in 1970. In the spring of 1972, the UNESCO Secretariat recommended the adoption of UNESCO standards relating to international education. This report was submitted to the UNESCO Executive Board. It agreed with the Secretariat and initiated the legislative process by placing the following item on the provisional agenda of the forthcoming seventeenth session of the General Conference: "Desirability of adopting an international instrument on education for international understanding, co-operation and peace."[8]

The General Conference acted on this agenda item on November 17, 1972. It authorized the preparation of a UNESCO recommendation on "education for international understanding, co-operation and peace," subject to the important proviso that the instrument "should also cover education relating to human rights and fundamental freedoms."[9] This stipulation was added because of the great importance that many UNESCO Member States attached to the link between international education and human rights education. The General Conference decided at the same time that the text of a draft recommendation should be submitted to it at its eighteenth session in 1974 and that it should be drawn up by a special committee of experts to be appointed by the Member States.

The "Special Committee of Governmental Experts to Examine the Draft Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms" met in Paris from April 29 through May 8, 1974. Sixty-two UNESCO Member States, including the United States, were represented at this conference.

As required by the UNESCO rules applicable to the drafting of recommendations, the Secretariat had in 1973 circulated to the Member States for their comments a report relating to the subject of the proposed recommendation and a preliminary draft of the recommendation.[10] Based on the comments it received from the Member States, the Secretariat drew up a revised draft of the recommendation.[11] This Secretariat draft served as the basis for the deliberations of the Committee of Experts. The Committee in plenary session examined, revised and voted on the provisions of the Secretariat draft, proceeding paragraph by paragraph. The Committee then voted the text of the draft recommendation as a whole. Although there had been considerable disagreement on a few individual provisions and some close votes on others, the Committee of Experts adopted the final version of the draft recommendation by a unanimous vote that included the United States.[12]

This draft recommendation was taken up by the UNESCO General Conference at its eighteenth session, which met from October 17 to November 23, 1974. It had been generally assumed that the unanimity of the Committee of Experts ensured that the recommendation would be adopted by the General Conference without any objections or changes. This expectation was not fully realized because Peru introduced an amendment to the draft recommendation adding the following provisions: "Education should emphasize the true interests of peoples and their incompatibility with the interests of monopolistic groups holding economic and political power, which practise exploitation and foment war." The amendment encountered strong opposition from the U.S. and some other delegations who urged Peru to withdraw it. That effort failed and the amendment was included in the recommendation.[13] The instrument as a whole was then put to a vote and adopted by the General Conference by a vote of 76 to 5 (U.S., Australia, France, Canada, Federal Republic of Germany).

The negative vote of the U.S., as its delegation was careful to explain, was designed solely to record the opposition of the U.S. to the Peruvian amendment; it was not intended to detract from U.S. support for the 1974 UNESCO Recommendation as a whole. In its report to the Secretary of State, the Chairman of the U.S. delegation to the 1974 General Conference emphasized that "the Delegation had been prepared to vote for the Recommendation but felt compelled, as a matter of principle, to register its strong disapproval of the Peruvian amendment which, in its view, was totally out of place as part of the Recommendation."[14]

Given the long-standing commitment of the U.S. to international education, it might have made more sense for the U.S. to vote for the Recommendation and, at the same time, to formally record its rejection of the Peruvian amendment. The pedagogic objection to the Peruvian amendment derives from the fact that the provision is included in the section of the Recommendation dealing with "ethical and civic aspects" of education. It belongs, if at all, in the section devoted to the "study of the major problems of mankind," which lists important contemporary issues that education should address. In these days of oil embargoes and economic boycotts, the U.S. has little reason to object to the study and free discussion of all the issues that are raised by the Peruvian amendment.

III. ANALYSIS OF THE CONTENT OF THE RECOMMENDATION

PREAMBLE

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 17 October to 23 November 1974, at its eighteenth session,

Mindful of the responsibility incumbent on States to achieve through education the aims set forth in the Charter of the United Nations, the Constitution of Unesco, the Universal Declaration of Human Rights and the Geneva Conventions for the Protection of Victims of War of 12 August 1949, in order to promote international understanding, co-operation and peace and respect for human rights and fundamental freedoms,

Reaffirming the responsibility which is incumbent on Unesco to encourage and support in Member States any activity designed to ensure the education of all for the advancement of justice, freedom, human rights and peace,

Noting nevertheless that the activity of Unesco and of its Member States sometimes has an impact only on a small minority of the steadily growing numbers of schoolchildren, students, young people and adults continuing their education, and educators, and that the curricula and methods of international education are not always attuned to the needs and aspirations of the participating young people and adults,

Noting moreover that in a number of cases there is still a wide disparity between proclaimed ideals, declared intentions and the actual situation,

Having decided, at its seventeenth session, that this education should be the subject of a recommendation to Member States,

Adopts this nineteenth day of November 1974, the present recommendation.

The Preamble of the UNESCO Recommendation refers to UN and UNESCO instruments in their common stress on education as a way of furthering international understanding, cooperation, and peace by promoting human rights and fundamental freedoms. It reaffirms the special role of UNESCO and recognizes the previous failure of education to meet needs in this area, thereby providing a justification for the Recommendation.

The "disparity between proclaimed ideals, declared intentions, and the actual situation" noted in the Preamble, paragraph 4, will be considered in Chapter II which describes the history of international education. Chapter VI will deal with students' knowledge and awareness in order to make it more likely that in the future curriculum materials and teaching methods will be better "attuned to the needs and aspirations of the participating young people and adults." (Preamble, para.3.)

The remaining provisions of the Preamble make clear the responsibilities of Member States to disseminate to educational authorities the contents of the document and require that reports be submitted by Member States to UNESCO on actions they have taken. These matters were discussed in the preceding section where we considered the legal status of the Recommendation.

I. SIGNIFICANCE OF TERMS

1. For the purposes of this recommendation:

(a) The word *education* implies the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge. This process is not limited to any specific activities.

(b) The terms *international understanding*, *co-operation* and *peace* are to be considered as an indivisible whole based on the principle of friendly relations between peoples and States having different social and political systems and on the respect for human rights and fundamental freedoms. In the text of this recommendation, the different connotations of these terms are sometimes gathered together in a concise expression, "*international education*".

(c) *Human rights* and *fundamental freedoms* are those defined in the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights.

II. SCOPE

2. This recommendation applies to all stages and forms of education.

This definition of education, which strikes American educators as very broad, can be understood in terms of the context of the whole document which stresses that formal schooling is not the only type of education which deserves scrutiny and improvement. The statement of scope in Section II also reflects an inclusive point of view. This is common UNESCO phraseology and tends to be interpreted by different Member States according to the structure and focus of their own educational systems.

Four outcomes of education are specified in the definition: personal capacities, attitudes, aptitudes, and knowledge. Of these the term knowledge is probably the easiest to specify, dealing as it does with a very large set of cognitive objectives. This might include, for example, knowledge of the political geography of the world, of instruments designed to protect human rights, of processes of foreign policy-making, of the existence of international organizations and their activities.

Attitudes are also recognized in this definition as being influenced by education. These affective objectives of education might encompass such things as positive support for internationally established guarantees of rights and freedoms, a preference for negotiation or conciliation rather than violent solutions to international conflicts, and positive feelings about persons from cultural backgrounds which are dissimilar to one's own.

Personal capacities and aptitudes are also included in the definition. Throughout the Recommendation there is a focus upon personal involvement and active participation by the individual. Under the category of personal capacities it is appropriate, therefore, to include the individual's motivation to be active in seeking economic and social well being and human rights for the self and others, interest in discussing international issues, and willingness to participate in a variety of organizations and groups which have potential for problem-solving in global society. Also important here is the development of the capacities or skills necessary for effective participation. This includes skills in analyzing political communication and the ability to communicate effectively with others, which includes seeing their points of view as well as cooperating with them in seeking common goals. The definition also stresses the role of education in enabling the individual to reach the highest possible level of personal development.

Part (b) of the definition relates three of the elements of the Recommendation — international understanding, cooperation, and peace — to each other as "an indivisible whole" based on two principles: "friendly relations between peoples and States having different social and political systems" and "respect for human rights and fundamental freedoms." This is the first of several places in the document where stress is placed on the close relationship between education for peace and education relating to human rights and fundamental freedoms. The recognition that, from the point of view of education, there is an interdependence between international understanding, cooperation, peace and respect for human rights is a major breakthrough represented by this Recommendation. In many places in this document, including part (c) of the definition, the centrality of the Universal Declaration of Human Rights and the International Human Rights Covenants is noted. The UN Charter was added to the listing in part (c) upon the suggestion of the U.S. delegation at the Committee of Governmental Experts because it makes the definition of human rights less static (see Chapter III). Particular stress is placed upon the recognition by students of the importance of these documents, acceptance and internalization of their principles, an awareness of barriers to their realization in practice, and a knowledge of United Nations institutions which attempt to implement them.

III. GUIDING PRINCIPLES

> 3. Education should be infused with the aims and purposes set forth in the Charter of the United Nations, the Constitution of Unesco and the Universal Declaration of Human Rights, particularly Article 26, paragraph 2, of the last-named, which states: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace."

The Guiding Principles are the heart of any UNESCO recommendation. The first paragraph of Section III reiterates the important documents pertaining to human rights, implies (by use of the term "infuse") that all levels of education are to be permeated with these concerns, and quotes from the Universal Declaration regarding the role of education.

4. In order to enable every person to contribute actively to the fulfilment of the aims referred to in paragraph 3, and promote international solidarity and co-operation, which are necessary in solving the world problems affecting the individuals' and communities' life and exercise of fundamental rights and freedoms, the following objectives should be regarded as major guiding principles of educational policy:

(a) an international dimension and a global perspective in education at all levels and in all its forms;

(b) understanding and respect for all peoples, their cultures, civilizations, values and ways of life, including domestic ethnic cultures and cultures of other nations;

(c) awareness of the increasing global interdependence between peoples and nations;

(d) abilities to communicate with others;

(e) awareness not only of the rights but also of the duties incumbent upon individuals, social groups and nations towards each other;

(f) understanding of the necessity for international solidarity and co-operation;

(g) readiness on the part of the individual to participate in solving the problems of his community, his country and the world at large.

This paragraph of the Guiding Principles introduces the problem-centered focus for education, the active participation of the individual, and the role of international cooperation.

The U.S. delegation at the Committee of Experts participated in making the language in this section congruent with current educational concepts in the United States. For example, the draft version of the Recommendation prepared by the Secretariat had used phrases such as "a global approach to education", which was confusing in its implication, implying (at least in English) that the "whole child" was to be considered rather than the whole world. After this confusion had been discussed, it became clear that there was basic agreement among the large majority of governmental experts on the meaning and appropriateness of the phrase "an international dimension and a global perspective in education".

The term "a global perspective" can be thought of as encompassing capacities, attitudes, and knowledge which are enumerated in the definition. "Perspective" implies a set of basic assumptions or a way of looking at situations rather than an attitude or piece of knowledge about a specific problem or issue. The global perspective might include such things as awareness of the influence of actions in other parts of the world on one's everyday social and economic life, awareness of the diversity of ideas and practices found in human societies around the world, a sense of the limitations of one's own perspective by a given culture, and an awareness of mankind's commonalities including the search for basic human rights. The use of the term "an international dimension" promotes the inclusion of material about other nations in many school courses (e.g., music and language arts as well as social studies) rather than the designation of specialized international relations courses, which are likely to reach only a small proportion of students.

The U.S. delegation was also instrumental in the inclusion of paragraphs in the Guiding Principles concerning the study of domestic ethnic cultures in addition to foreign cultures as a means of achieving the aims of the Recommendation. These amendments regarding "intercultural education" are related to a current program of the U.S. Office of Education which supports curriculum development and teacher training in ethnic and cultural heritage studies. This approach stresses the similarity of communication between domestic ethnic groups and foreign groups. The intended positive outcomes of this approach include enhanced self and group esteem, empathy, the ability to take the role or viewpoint of another person, acceptance and trust of those from other cultural groups, and the ability to interpret customs and non-verbal behavior in differing cultural styles.

The stess upon intercultural education is also reflected in other parts of the Recommendation; for example, paragraph 33 suggests that teachers should have explicit training and preparation to deal effectively with opportunities for intercultural education using materials from domestic ethnic cultures.

The discussion at the Committee of Experts which led to the inclusion of "increasing global interdependence" in part (c) of paragraph 4 of the Recommendation illustrates the differing perceptions of those in other countries concerning terminology we often take for granted. A delegate from a South American country was adamantly opposed to the version which read "awareness of the global interdependence of nations" claiming that it reflected only the desire of developed countries to continue the dependence of the underdeveloped world on them. This delegate did agree to the phrase once it was modified to "increasing global interdependence", which also has the advantage of being a more dynamic concept.

> 5. Combining learning, training, information and action, international education should further the appropriate intellectual and emotional development of the individual. It should develop a sense of social responsibility and of solidarity with less privileged groups and should lead to observance of the principles of equality in everyday conduct. It should also help to develop qualities, aptitudes and abilities which enable the individual to acquire a

> critical understanding of problems at the national and the international level; to understand and explain facts, opinions and ideas; to work in a group; to accept and participate in free discussions; to observe the elementary rules of procedure applicable to any discussion; and to base value-judgements and decisions on a rational analysis of relevant facts and factors.

This paragraph of the Guiding Principles reasserts specific aptitudes and abilities needed by individuals to further international understanding. A serious attempt was made by the U.S. delegation at the Committee of Experts to have the following phrase added to paragraph 5: "to facilitate free access to facts, opinions, and ideas on which to base value judgements and decisions." It was noted that education as envisioned in the Recommendation and particularly the "rational analysis" referred to in the last sentence of paragraph 5 could not take place without free access to information. This addition was debated at great length, being strongly opposed by the Soviet Union and several other countries. Even though this phrase does not appear in the final version, the U.S. and some other Member States took the position that the theme of free access was nevertheless implicit in the Recommendation.

> 6. Education should stress the inadmissibility of recourse to war for purposes of expansion, aggression and domination, or to the use of force and violence for purposes of repression, and should bring every person to understand and assume his or her responsibilities for the maintenance of peace. It should contribute to international understanding and strengthening of world peace and to the activities in the struggle against colonialism and neo-colonialism in all their forms and manifestations, and against all forms and varieties of racialism, fascism, and apartheid as well as other ideologies which breed national and racial hatred and which are contrary to the purposes of this recommendation.

This paragraph was the subject of much heated discussion by the Committee of Experts with several countries having a particular scourge of mankind they wished to denounce. The final version reflects an attempt to express a consensus that is ideologically balanced. Not only do students need to be told of the existence of these international problems but they also require instruction concerning their causes and possible solutions.

Section IV deals with National Policy, Planning and Administration. This is a call for a master plan for international and human rights education. It exhorts action in support of these aims by ministries of education, national commissions for UNESCO and organizations with policy and budget making capacities at the national level.

Particular Aspects of Learning, Training, and Action are dealt with in Section V under three main headings: Ethical and Civic Aspects (including the incorporation of an international dimension in programs of civic and moral education), Cultural Aspects (highlighting cross-cultural and inter-cultural resources), and Problem Focus.

> 20. Member States should encourage educational authorities and educators to give education planned in accordance with this recommendation an interdisciplinary, problem-oriented content adapted to the complexity of the issues involved in the application of human rights and in international co-operation, and in itself illustrating the ideas of reciprocal influence, mutual support and solidarity. Such programmes should be based on adequate research, experimentation and the identification of specific educational objectives.

This paragraph stresses an interdisciplinary approach to problems, which fits well with many current trends in U.S. education. U.S. amendments to this section attempted to make the Recommendation as concise and specific as possible — e.g., substituting "attitudes and behaviors" for the term "ethics" and recognizing explicitly the role of "specific educational objectives" in paragraph 20. Several paragraphs in Section V also refer to the problem-oriented focus, particularly the problems of inequality and war:

> 18. Education should be directed both towards the eradication of conditions which perpetuate and aggravate major problems affecting human survival and well-being — inequality, injustice, international relations based on the use of force — and towards measures of international co-operation likely to help solve them. Education which in this respect must necessarily be of an interdisciplinary nature should relate to such problems as:
>
> **(a)** equality of rights of peoples, and the right of peoples to self-determination;
>
> **(b)** the maintenance of peace; different types of war and their causes and effects; disarmament; the inadmissibility of using science and technology for warlike purposes and their use for the purposes of peace and progress; the nature and effect of economic, cultural and political relations between countries and the importance of international law for these relations, particularly for the maintenance of peace; . . .

Further problems — human rights, economic and social development, illiteracy, disease and famine, population growth, pollution — are also enumerated. The final subsection of paragraph 18 proposes teaching the "role and methods of action of the United Nations system in efforts to solve such problems and possibilities for strengthening and furthering its action."

UN efforts in the protection of human rights and the importance of the atmosphere of the school are highlighted in Section V:

> 11. Member States should take steps to ensure that the principles of the Universal Declaration of Human Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination become an integral part of the developing personality of each child, adolescent, young

> person or adult by applying these principles in the daily conduct of education at each level and in all its forms, thus enabling each individual to contribute personally to the regeneration and extension of education in the direction indicated.

Special problems with groups who suffer inequality in educational opportunities are noted (para. 21), and intercultural aspects are given a stronger and more specific focus than in previous sections:

> 17. Member States should promote, at various stages and in various types of education, study of different cultures, their reciprocal influences, their perspectives and ways of life, in order to encourage mutual appreciation of the differences between them. Such study should, among other things, give due importance to the teaching of foreign languages, civilizations and cultural heritage as a means of promoting international and inter-cultural understanding.

Active participation is discussed and specific reference made to student participation in school governance as an important part of education for active citizenship:

> 13. Member States should promote, at every stage of education, an active civic training which will enable every person to gain a knowledge of the method of operation and the work of public institutions, whether local, national or international, to become acquainted with the procedures for solving fundamental problems; and to participate in the cultural life of the community and in public affairs. Wherever possible, this participation should increasingly link education and action to solve problems at the local, national and international levels. . . .
>
> 16. Student participation in the organization of studies and of the educational establishment they are attending should itself be considered a factor in civic education and an important element in international education.

In Section VI action specifically appropriate to various sectors of education is proposed. Special note is made of existing programs of the UNESCO Associated Schools as models:

> 23. Member States should take advantage of the experience of the Associated Schools which carry out, with Unesco's help, programmes of international education. Those concerned with Associated Schools in Member States should strengthen and renew their efforts to extend the programme to other educational institutions and work towards the general application of its results. In other Member States, similar action should be undertaken as soon as possible. The experience of other educational institutions which have carried out successful programmes of international education should also be studied and disseminated.

Further reference to these programs is also found in paragraph 44, where it is proposed that cooperation between Associated Schools programs in different Member States should be encouraged; international relations clubs and UNESCO clubs are also mentioned (paragraph 31).

Provisions are made for pre-school education stressing not only the formal educational system and the readiness of children to begin international education at an early age, but also the role of adult education as parent education:

> 24. As pre-school education develops, Member States should encourage in it activities which correspond to the purposes of the recommendation because fundamental attitudes, such as, for example, attitudes on race, are often formed in the pre-school years. In this respect, the attitude of parents should be deemed to be an essential factor for the education of children, and the adult education referred to in paragraph 30 should pay special attention to the preparation of parents for their role in pre-school education. The first school should be designed and organized as a social environment having its own character and value, in which various situations, including games, will enable children to become aware of their rights, to assert themselves freely while accepting their responsibilities, and to improve and extend through direct experience their sense of belonging to larger and larger communities — the family, the school, then the local, national and world communities.

Paragraphs 25 through 28 consider post-secondary education and the importance not only of appropriate international education programs but also of "experimental work . . . on the linguistic, social, emotional and cultural obstacles, tensions, attitudes and actions which affect both foreign students and host establishments" (para. 28). Vocational education can have an international dimension as students understand the "role of their professions in developing their society" (para. 29).

Adult education, as an important component of life-long education, is singled out for lengthy discussion:

> 30. Whatever the aims and forms of out-of-school education, including adult education, they should be based on the following considerations:
>
> **(a)** as far as possible a global approach should be applied in all out-of-school education programmes, which should comprise the appropriate moral, civic, cultural, scientific and technical elements of international education;
>
> **(b)** all the parties concerned should combine efforts to adapt and use the mass media of communication, self-education, and inter-active learning, and such institutions as museums and public libraries to convey relevant knowledge to the individual, to foster in him or her favourable attitudes and a willingness to take positive action, and to spread knowledge and

> understanding of the educational campaigns and programmes planned in accordance with the objectives of this recommendation;
>
> (c) the parties concerned, whether public or private, should endeavour to take advantage of favourable situations and opportunities, such as the social and cultural activities of youth centres and clubs, cultural centres, community centres or trade unions, youth gatherings and festivals, sporting events, contacts with foreign visitors, students or immigrants and exchanges of persons in general.

The term "inter-active learning" was the closest translation available for the concept "co-learning", proposed by a South American delegate to indicate that in an optimal setting everyone learns continually from everyone else, with no distinction between those who teach and those who learn.

The perceived importance of teachers' awareness for effective international and intercultural education as well as the perceived complexity of changing teacher behavior is indicated by the care with which the Committee of Experts refined the statement on teacher preparation. It reads very much like a restatement of all the guiding principles and specific actions from the perspective of required changes in teacher training and certification:

> 33. Member States should constantly improve the ways and means of preparing and certifying teachers and other educational personnel for their role in pursuing the objectives of this recommendation and should, to this end:
>
> (a) provide teachers with motivations for their subsequent work: commitment to the ethics of human rights and to the aim of changing society, so that human rights are applied in practice; a grasp of the fundamental unity of mankind; ability to instil appreciation of the riches which the diversity of cultures can bestow on every individual, group or nation;
>
> (b) provide basic interdisciplinary knowledge of world problems and the problems of international co-operation, through, among other means, work to solve these problems;
>
> (c) prepare teachers themselves to take an active part in devising programmes of international education and educational equipment and materials, taking into account the aspirations of pupils and working in close collaboration with them;
>
> (d) comprise experiments in the use of active methods of education and training in at least elementary techniques of evaluation, particularly those applicable to the social behaviour and attitudes of children, adolescents and adults;
>
> (e) develop aptitudes and skills such as a desire and ability to make educational innovations and to continue his or her training; experience in teamwork and in interdisciplinary studies; knowledge of group dynam-

> ies; and the ability to create favourable opportunities and take advantage of them;
>
> **(f)** include the study of experiments in international education, especially innovative experiments carried out in other countries, and provide those concerned, to the fullest possible extent, with opportunities for making direct contact with foreign teachers.

An innovative, active, and interdisciplinary approach is stressed.

The necessity of evaluating the attitudes of students and tailoring programs to meet their needs and interests is noted. Refresher courses (including those conducted abroad) and teacher exchanges are encouraged (paras. 34, 36, 37). The role of those who supervise and direct teachers in making this "gradual but profound change in the role of education" is highlighted in paragraph 34. The following paragraph points out that in-service training in international education is also necessary:

> 35. Member States should endeavour to ensure that any programme of further training for teachers in service or for personnel responsible for direction includes components of international education and opportunities to compare the results of their experiences in international education.

Although teacher preparation differs greatly in the Member States of UNESCO, any attempts to improve international or intercultural education which are to have a long-range effect must devote extensive effort to improving both in-service and pre-service teacher education and to providing continuing support to teachers from their superiors to seek innovative and effective programs.

The absence of appropriate international educational materials is a reason given by many educators for their failure to deal with global issues and human rights. Several paragraphs of the Recommendation recognize the importance of developing and disseminating materials for use within the classroom and also training students to better analyze and utilize the information to which they are exposed in the mass media outside of school hours:

> 38. Member States should increase their efforts to facilitate the renewal, production, dissemination and exchange of equipment and materials for international education, giving special consideration to the fact that in many countries pupils and students receive most of their knowledge about international affairs through the mass media outside the school. To meet the needs expressed by those concerned with international education, efforts should be concentrated on overcoming the lack of teaching aids and on improving their quality. Action should be on the following lines:
>
> **(a)** appropriate and constructive use should be made of the entire range of equipment and aids available, from textbooks to television, and of the new educational technology;

> (b) there should be a component of special mass media education in teaching to help the pupils to select and analyse the information conveyed by mass media;
>
> (c) a global approach, comprising the introduction of international components, serving as a framework for presenting local and national aspects of different subjects and illustrating the scientific and cultural history of mankind, should be employed in textbooks and all other aids to learning, with due regard to the value of the visual arts and music as factors conducive to understanding between different cultures;
>
> (d) written and audio-visual materials of an interdisciplinary nature illustrating the major problems confronting mankind and showing in each case the need for international co-operation and its practical form should be prepared in the language or languages of instruction of the country with the aid of information supplied by the United Nations, Unesco and other Specialized Agencies;

This reinforces previous sections of the Recommendation in that materials representing various disciplines are to be incorporated in many courses, not only those in history or social studies. The international perspective is proposed as a context within which national and local matters are to be considered — a reversal of the trend in many materials to consider local governmental structures and problems first. The existence of a problem-solving focus and the perspectives of different cultures are included among the specifications for educational materials. Finally, the most effective use of recently developed educational technology is encouraged.

Paragraph 39 supports a long-standing program of UNESCO which is also taken seriously by many American educators — the analysis of textbooks to identify elements which may foster racial or international misunderstanding. The role of international cooperation in textbook revision is further noted in paragraph 45. The last paragraph in Section VIII encourages the exchange of materials to promote free access to techniques developed in other nations for educational personnel:

> 40. According to its needs and possibilities, each Member State should establish or help to establish one or more documentation centres offering written and audio-visual material devised according to the objectives of this recommendation and adapted to the different forms and stages of education. These centres should be designed to foster the reform of international education, especially by developing and disseminating innovative ideas and materials, and should also organize and facilitate exchanges of information with other countries.

Section IX, on Research and Experimentation, is relatively brief. The value of collaboration between different educational agencies is noted, and the importance of basic research on the process of social attitude development as well as the evaluation of specific programs is considered:

> 42. Member States should take appropriate steps to ensure that teachers and the various authorities concerned build international education on a sound psychological and sociological basis by applying the results of research carried out in each country on the formation and development of favourable or unfavourable attitudes and behaviour, on attitude change, on the interaction of personality development and education and on the positive or negative effects of educational activity. A substantial part of this research should be devoted to the aspirations of young people concerning international problems and relations.

Recognition of the importance of research on the sources of favorable attitudes as well as common misunderstandings or unfavorable attitudes is an important new step taken in this Recommendation. If implemented, it could result in a strong base for the construction of effective programs in international understanding and human rights education. The evidence which is presently available on student attitudes and knowledge is summarized in Chapter VI of this publication. This provision of the Recommendation, however, is a justification for a much expanded program of research.

The final section of the Recommendation stresses the importance of international cooperation:

> 43. Member States should consider international co-operation a responsibility in developing international education. In the implementation of this recommendation they should refrain from intervening in matters which are essentially within the domestic jurisdiction of any State in accordance with the United Nations Charter. By their own actions, they should demonstrate that implementing this recommendation is itself an exercise in international understanding and co-operation. They should, for example, organize, or help the appropriate authorities and non-governmental organizations to organize, an increasing number of international meetings and study sessions on international education; strengthen their programmes for the reception of foreign students, research workers, teachers and educators belonging to workers' associations and adult education associations; promote reciprocal visits by schoolchildren, and student and teacher exchanges; extend and intensify exchanges of information on cultures and ways of life; arrange for the translation or adaptation and dissemination of information and suggestions coming from other countries.

Just as the revision of the Recommendation was a product of international negotiation and cooperation, so too should programs on the local as well as the national level utilize input from other countries and cultures.

IV. CONCLUSION

The 1974 UNESCO Recommendation, as we have indicated, was drafted by government representatives whose cultural backgrounds, educational systems and ideological perspectives mirror the diversity that exists among the nations and peoples of our planet. It is a consensus instrument and consequently suffers from the defects inherent in such documents. To be acceptable to many different nations, precision and clarity are at times intentionally sacrificed in favor of ideologically neutral and semantically ambiguous phrases. To accommodate different educational philosophies, conceptual consistency must give way to an approach that is at once doctrinally eclectic and that integrates ostensibly conflicting educational theories and methods.

It would be a mistake to dwell on its defects, however, while overlooking the fact that the UNESCO Member States were able to agree on a set of principles and policies governing international education. Given the world we live in, this is a significant accomplishment because it provides a theoretical basis and justification for the promotion of international education on a national as well as a global basis. Moreover, the agenda for action set out in the UNESCO Recommendation is sufficiently compelling that one need not support the particular organization which has sponsored it to favor realization of the objectives it proclaims.

Chapter One: FOOTNOTES

1. The authors of this book deplore the growing politicization of UNESCO and regard some of the measures recently taken by the Organization as incompatible with the ideals that the UNESCO Constitution as well as the 1974 UNESCO Recommendation proclaim. See G. Lang, "UNESCO and Israel," *Harvard International Law Journal*, vol. 16, p. 676 (1975). For an excellent analysis bearing on this entire subject, see D. Partan, *Documentary Study of the Politicization of UNESCO* (American Academy of Arts and Sciences, 1975), which also contains a useful introduction to the structure and functions of UNESCO.

1a. On UNESCO generally, see W. Laves & C. Thomson, *UNESCO: Purpose, Progress, Prospects* (Indiana Univ. Press, 1957); H. Krill de Capello, "The Creation of the United Nations Educational, Scientific and Cultural Organization," *International Organizations*, vol. 24, p. 1 (1970); Partan, *supra*, at pp. 1-8.

2. The Sakharov Statement, *New York Times*, December 11, 1975, p. 10, col. 1.

3. See UNESCO, *Birthright of Man* (Paris, 1969). See also McDougal, Lasswell & Chen, "The Protection of Respect and Human Rights: Freedom of Choice and World Public Order," *American University Law Review*, vol. 24, p. 919 (1975).

4. See generally, C. Alexandrowicz, *The Law-Making Functions of Specialized Agencies of the United Nations* (Sidney: Angus & Robertson, 1973); T. Buergenthal, *Law-Making in the International Civil Aviation Organization*, p. 57 (Syracuse Univ. Press 1969).

5. The General Conference is the principal policy-making body of the Organization; all UNESCO Member States are represented in the General Conference.

6. See UNESCO Constitution, Arts. IV(4) and VIII, as interpreted by the UNESCO General Conference in Article 16(1) of its "Rules of Procedure Concerning Recommendations to Member States and International Conventions Covered by the Terms of Article IV, paragraph 4, of the Constitution," *1975 UNESCO Manual of the General Conference*, vol. 1, p. 79.

7. For the text of these rules, see *1975 UNESCO Manual of the General Conference, supra*.

8. For a report summarizing these preliminary activities, see UNESCO Doc. EDMD/27, pp. 3-4 (1973).

9. UNESCO General Conference, Res. 1.222 of November 17, 1972, *Records of the General Conference*, 17th Sess., vol. I (Resolutions and Recommendations), p. 24 (1972).

10. UNESCO Doc. ED/MD/27, 16 August 1973.

11. UNESCO Doc. ED/MD/32, Annex III, 15 March 1974.

12. The text of the draft recommendation adopted by the Committee of Experts and the Committee's report thereon are reproduced in UNESCO Doc. 18C/24 of 12 July 1974. For an analysis of work of the Committee of Experts, see *Report of the United States Delegation* (submitted to the U.S. Department of State on June 20, 1974).

13. See 1974 UNESCO Recommendation, para. 15.

14. *Report of the United States Delegation to the 18th Session of the General Conference of UNESCO*, p. 14 (submitted to the U.S. Department of State, April 2, 1975).

CHAPTER TWO

International Education: An Historical Review

I. INTRODUCTION

The idea embodied in the UNESCO Recommendation that education can make a major contribution to understanding between countries and to the achievement of peace is not a new one. However, a new approach, a new direction, and a new surge of activity appear to be necessary. As the Preamble to the UNESCO Recommendation notes, there is "a disparity between proclaimed ideals, declared intentions, and the actual situation," with regard to international education.

In reading documents of forty or fifty years ago, one cannot escape the impression that little has changed in this area in half a century. Along with the feeling that little change has taken place it seems that if some of the programs set in motion then had been effectively pursued, we should by this time have more successfully reduced the level of international conflict. The present publication must therefore speak not only to those already convinced and committed to international education but also to a new audience.

In addition to attracting widespread interest and motivating concerned individuals to become active and effective in support of international education, we should prepare the way for maximum institutional support for programs so that individual commitment can be translated into long-range planning and implementation.

However, to promote effective institutionalization, a clear understanding of what is meant by the term international education must be developed. Of course, the UNESCO Recommendation identified in its title four requisite elements: Education for 1) International Understanding, 2) Cooperation, and 3) Peace, and Education Relating to 4) Human Rights and Fundamental Freedoms. But one must take care not to be too inclusive in the definition, including material from every program (no matter how organized or toward what objectives) which provides for the exchange of students between countries, or which exposes students to the study of other nations (no matter how ethnocentric or political the content of the material provided). On the other hand, if one defines international education too narrowly, those who have not made an intensive study of the problem will find it difficult to relate the aims of their programs to the goals of the Recommendation.

The purpose of this brief history of various initiatives toward education for international understanding, cooperation and peace is to examine a range of definitions of international education, to consider the way in which individuals have become involved in developing these programs, and to identify and describe the institutional supports which have resulted.

II. EARLY EFFORTS

In the seventeenth century, a Moravian churchman, John Amos Comenius, proposed an international Pansophic College as a means to further the cause of peace. There is no evidence of the establishment of any institution such as that envisioned by Comenius, whose works relating to this theme were collected and published by UNESCO in 1957. During the nineteenth century several organizations were established with comparative education as their focus. In connection with the international exposition of 1876 in Philadelphia an International Conference on Education was attended by representatives of fourteen nations. John Eaton, United States Commissioner of Education, used this occasion to present a plan for a permanent organization that would be responsible for further international meetings. No record of any of this organization's activities has survived.

In the late 1800's Molkenboer, a German writer, attempted to establish an organization which would further the aim of educating the children of Europe to respect each other and to live together peaceably in a community of Europe. Although individuals and non-governmental organizations were quick to express interest, governmental agencies were less supportive, and the movement failed.

Scanlon, in a documentary history of international education, points to the period from the close of the nineteenth century to the beginning of World War I as "the greatest effort in the history of civilization to build a realistic basis for world peace."[1] During this period Francis Kemeny, a Hungarian, published his ideas concerning the existence of an international component in all cultures which he considered to be the result of cultural borrowing; nationalism and internationalism in his view complemented each other. He suggested the formation of an organization which would perform the following functions: "the organization of international conferences for teachers; . . . development of international agreements on the organization and structure of education; . . . the formulation of international statements on the rights of man; the revision of textbooks to eliminate hatred and emphasize mutual trust; and a concentrated effort to eradicate racial prejudice."[2] Kemeny was the first author to make improved relations between races integral to efforts for international education. He hoped to include representatives of governments and professional organizations as well as individuals interested in international education in his proposed organization in order to maximize its effectiveness and to reach the most influential audience.

Other organizations which were established with similar aims included the

Carnegie Endowment for International Peace. Mr. Carnegie in his letter to the Trustees in 1910 envisioned a time when war would be "discarded as disgraceful to civilized men;" at that time the Trustees were to "consider what is the next most degrading evil or evils,"[3] and use the endowment's resources against it. The American School Peace League, whose aim was "to promote through the schools and the educational public of America the interests of international justice and fraternity," was also founded during this period.[4] In the early 1900's schools in the United States, England, France and the Netherlands celebrated May 18th as Peace Day in commemoration of the Hague Peace Conference.

Because of the success of these programs Fannie Fern Andrews, an American, attempted to involve both the ministries of education and non-governmental organizations abroad in expanding the School Peace League throughout Europe. In 1911, with the approval of President Taft, she took on a post in the United States Office of Education to set up an international conference to plan for an international bureau which would include a research clearinghouse and publications program. In 1912, invitations were issued by the Netherlands to sixteen European countries, the United States, and Japan to attend such a conference at the Hague. Only France and Switzerland accepted, and the conference was postponed. In 1914 the invitations were again issued, but the beginning of World War I intervened and the conference was never held.

In the United States in 1912 the National Education Association passed a resolution praising the work of the School Peace League; the report of the NEA Commission on the Reorganization of Secondary Education, issued in 1916, recommended the development of international world-mindedness, stressing the concept of inter-relationships among nations.[5] The effect of these pronouncements of educational organizations seems to have been limited. A review of the curriculum in use during this period indicated that there was little international content; social studies in the United States tended instead to stress material about heroes, stories of Indians, and information about national holidays.[6]

III. LEAGUE OF NATIONS PERIOD

Following the war, during the deliberations over the League of Nations Covenant, the International Council of Women and the Conference of Women Suffragists (including Fannie Fern Andrews) met with representatives of the Allied Governments to present a plan for an International Office of Education. They argued that the popular acceptance of the League depended upon teaching young people about its aims and organization and also that universal schooling was the only way by which the aims of human freedom expressed by the League might be realized. They therefore proposed that the Covenant of the League of Nations provide for the establishment of a permanent bureau of education. No such provision was included in the Covenant, and no such bureau was established. In the opinion of many, the lack of explicit recognition of the importance of education in the League's mission hindered the development of international education for several decades.[7]

Many nations, jealous of their sovereignty, feared that the League would impose a particular scheme of education on them, and so placed serious limitations on its activities. For example, when a Committee on Intellectual Cooperation was established, a program of international education was not included among its responsibilities. This, however, did not mean that the League did not deal with any matters of education. In spite of obstacles and a shortage of funds, the Committee did sponsor international conferences (which later became a central function of UNESCO). By its mission to China in 1931 it established the principle that international organizations have a responsibility to aid underdeveloped countries and, through the establishment of national organizations formed to support the work of the Committee, the League set a model for later UNESCO national Commissions.[8]

One of the lesser known activities of the Committee, which is of great interest for our purpose here, is the Recommendation of its Sub-Committee of Experts for the Instruction of Children and Youth in the Existence and Aims of the League of Nations, which met in Geneva in 1926-27. The League's Assembly in 1923 had passed a resolution urging governments to make students "aware of the existence and aims of the League and the terms of its Covenant"; a number of nations officially recognized this resolution and encouraged their schools to implement it. Then in 1925 a sub-committee of experts was established to follow up on this resolution. The group was limited to proposing measures and coordinating programs to acquaint young people with the League and did not examine the broader aims of education. The document as submitted by the committee of fourteen experts in 1927 contained recommendations on methods to make the League of Nations known to young people and also to develop "the spirit of international cooperation among young children, young people, and their teachers."[9] There is a remarkable resemblance between the 1974 UNESCO Recommendation and some portions of this 1927 document which sought to implement the League's assembly resolution:

SECTION I — HOW TO MAKE THE LEAGUE OF NATIONS KNOWN TO CHILDREN AND YOUNG PEOPLE

> **Schools**
>
> 1. All children and young people should, before completing their formal education, receive instruction suitable to their stage of intellectual development, in the aims and achievements of the League of Nations and, generally speaking, in the development of international co-operation. In view of the important part played by women in forming the character of the young, care should be taken in those countries where the education of boys and girls is different to see that this instruction is given to girls as well as boys.
>
> 2. This instruction should begin in the primary school and should be continued to as late a stage as possible in the general education of the pupil.

> **3.** The exact place and time to be allotted to this instruction in the curriculum should be left to the decision of those normally responsible for such questions; but it should probably be correlated with the lessons in geography, history or civics or with moral instruction. The prominence given to various aspects of the work of the League and the International Labor Organization will naturally vary according to the type of school.
>
> SECTION II — HOW TO DEVELOP THE SPIRIT OF INTERNATIONAL CO-OPERATION AMONG CHILDREN, YOUNG PEOPLE AND THEIR TEACHERS
>
> "To regard international co-operation as the normal method of conducting world affairs" implies far more than mere instruction in the history and work of the League of Nations. The form of words adopted by the assembly in its sixth ordinary session accepts the principle that co-operation is normal and strife abnormal in the life of civilized mankind and that in the world of today co-operation must be evermore widely extended. Civilization in all its principal manifestations is a record of co-operative effort from the family, the village and the workshop to the vastly more complex institutions of today. To imbue the child with a deep and lasting affection for its family and country remains today, as in former times, the first principle of sound education. But a true patriotism understands the patriotism of others; and a recognition of the necessity and omnipresence of co-operation, both within and without the State, must be emphasized in any education that is to fit young persons for modern life.
>
> Such instruction cannot be carried out merely as a subject or part of a subject in the school curriculum. It must permeate all the child's surroundings . . .
>
> A variety of methods were proposed for furthering these aims:
>
> **(a)** Children's games, the exhibition of suitable pictures and films, lectures, displays of foreign handicrafts, visits to historical and artistic museums.
>
> **(b)** Fetes and pagents, performance of music; in fact, all appeals to the artistic sense that will encourage a mutual knowledge of different civilizations and peoples.
>
> **(c)** Inter-school correspondence carried on between classes or other homogeneous groups, under the supervision of qualified teachers or leaders. This kind of correspondence might include the exchange of pictures, photographs, postage stamps, examples of work and, generally speaking, any objects suitable for the purpose. . . .[10]

Further paragraphs of the 1927 Recommendation concerned the use of printed material, inclusion of this subject matter in teacher training courses, the use of resources of voluntary organizations, and administrative machinery to monitor these educational programs.

The influence of League of Nations actions upon elementary and secondary education was also assessed by Prescott, an American educator of that period; he was particularly impressed by what he called "the leverage" upon national educational authorities for the introduction of international material provided by the resolutions of the Assembly and the recommendation of the Sub-Committee of Experts. Prescott also explored two themes which are echoed

clearly in the international education literature of today as well. He concluded

Committee of Experts. Prescott also explored two themes which are echoed clearly in the international education literature of today as well. He concluded from a study tour which he made in 1926 to six European countries that the "spirit of the school" was more important in the process of international education than specific curriculum or practices, finding in some places that "the subject matter in the courses of study appeared very internationally minded but the instruction or atmosphere of the school influenced the children to very different sentiments."[11] He also cited the conservative force of tradition that "resists the introduction . . . of material . . . that would set children to thinking about present international relationships, that would inform them about the various solutions that have been suggested or tried . . . that would demonstrate the extreme interdependence of nations at the present time and the multiple causes of international friction. . . ."[12]

Many who wished to establish a force for international education with both governmental and non-governmental support not only at the university level but in earlier phases of education as well were, of course, disappointed by the modest efforts of the League and the Committee on Intellectual Cooperation. These individuals formed a private organization, the International Bureau of Education in 1925 at Geneva; in 1929 this became an inter-governmental agency.

Other well-known educators such as Maria Montessori during the late 1930's in Europe were discussing a long-range concern for the role of education in promoting world peace. Montessori even went so far as to view the child unspoiled by education as a "teacher of peace" from whom adults could learn, and proposed the study of the structure of society and the existence of mankind as a single nation as the basis of "a science of peace."

Similar interest among educators in the United States in promoting international understanding and peace is evidenced by publications such as the 1937 yearbook of the National Society for the Study of Education, which was entitled *International Understanding Through the Public School Curriculum*.

IV. POST—WORLD WAR II EFFORTS

The establishment of UNESCO in 1945 must be regarded as the most important event in the field of international education during the post-World War II period. Its Constitution represented the culmination of several years of work by the Allied Ministers of Education meeting in exile during the war. For a time it appeared that education as such might be excluded from this Organization's mission for the same reasons of concern for domestic jurisdiction advanced at the time of the League of Nations. However, this concern did not prevail, and an entire sector of UNESCO is devoted to education.[13] Moreover, the UNESCO Constitution is permeated with the conviction that education is an indispensable element in the construction of a lasting peace. Thus its Preamble proclaims:

> that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;
>
> that ignorance of each other's ways and lives has been a common cause,

> throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war . . . .
>
> that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern . . . .
>
> that a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind . . . .

The UNESCO Recommendation concerning Education for International Understanding Co-operation and Peace, and Education relating to Human Rights and Fundamental Freedoms is one of a continuing set of efforts of this organization to discharge the responsibilities set forth in its Constitution.

The Universal Declaration of Human Rights, adopted by the General Assembly in 1948, is another landmark recognition of the importance of the infusion of human rights into international education. Its Article 26 states that education "shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace."

Early in UNESCO's history (from 1947 to 1952) conferences of teachers explored how education could best contribute to international understanding. These conferences seemed to have their principal impact upon the participants; in 1952 therefore it was decided that a more systematic approach was needed. In 1953, a network of secondary schools closely associated with UNESCO was established in fifteen countries (not including the United States); these UNESCO-Associated Schools conducted projects of their own choosing with the explicit aim of increasing knowledge of world affairs and developing international understanding. Particular emphasis was placed on three themes, namely: the rights of women; the characteristics of other countries, peoples, and cultures; and the principles of human rights and their relationship to the work of the United Nations. The UNESCO Secretariat coordinated the projects and provided special services of publication and translation.

These early Associated Schools frequently utilized an historical approach to the United Nations including its peace-keeping functions. This involved dealing with the idea that different governments have the right to hold different points of view and with the role of the United Nations as a public forum for the peaceful resolution of international disputes. The problem-centered approach, focusing on the struggle against disease, the conservation of resources, and the UN's efforts in solving world problems was also used in many of the projects of the Associated Schools.[14]

Every year schools in an increasing number of countries participate in this project. A 1975 report indicates 1,000 participating institutions in 63 Member

States comprising countries with different cultural traditions, stages of development, social and economic systems. The largest proportion of these institutions are seconday schools, but primary schools and teacher-training institutions also participate. The four current themes are the aims and work of the United Nations and its related agencies; human rights; other countries and cultures; man and the environment.

Until the establishment of a Liaison Committee for the Associated Schools Project in the United States in 1974, only a handful of schools in this country were members. At present this Committee is attempting to co-ordinate project participation of schools in six states. Those who are most deeply involved in the attempt to vitalize this network in the United States include American educators who have been active in promoting international education through many structures and media during the last decade. One aim is to achieve cross-fertilization of the UNESCO-Associated School experience in many nations with the American global, international, and inter-cultural education programs which have operated independently of UNESCO.

The UNESCO summary of the Associated Schools programs issued in 1971 concluded that "the majority of projects have been successful in achieving their general objectives of increasing knowledge of world affairs, giving pupils a sounder comprehension of other peoples and cultures, and developing attitudes favourable to international understanding."[15] Those who examined these projects also concluded that the impact of the programs depends to a large extent on

> the preconditions of education for international understanding. An especially important factor is the atmosphere of the school . . . The principles of human rights should be reflected in the organization and conduct of school life, in classroom methods, and in relations among teachers and students and among teachers themselves.[16]

The ultimate aim of the Associated Schools Projects is not only to improve the international understanding of students in participating schools but also to insure that this aim is reflected in the curriculum and syllabi promulgated by ministries of education and other influential groups. In this regard it is also interesting to note that paragraphs 41 and 44 of the 1974 UNESCO Recommendation mention the Associated Schools without limiting responsibility for the realization of the aims of international education to these particular projects.

Another serious attempt to internationalize education within the special needs and opportunities presented by an international school is recorded in the *History of the United Nations International School in New York*. From its beginnings in 1947 the aim of this school for the children of UN employees was to give an international dimension to every subject area. The 1954 social studies curriculum of the school included a study of cooperation between nations of the world. The national aspect was reflected in the contribution each pupil was asked to make to the group's world picture through a study of his own country.[17] This early attempt to focus on education regarding international cooperation, while based on laudable ideals, was dependent upon the information each child could contribute about his own country and the teachers' ability to place that information in proper perspective. It appears that in subsequent years at the UN school, courses of study dealing specifically with the United Nations were excellent; the course in world history, on the other hand, often consisted of bits and pieces of information out of context and with neither a national nor an international focus. Between 1961 and 1963 the comments of an especially active and insightful teacher indicate the strengths as well as the weaknesses of the interntional aims of the UN school program:

> The continued effective existence of the U.N. is essential to our survival, and this should be emphasized. This may be decried as political indoctrination and this, of course, is what it is. We need not be ashamed of the fact. Political indoctrination is an integral part of education in every country, and so it should be in international schools. If we believe that world peace can be secured only through international organization, then we should make that belief a part of our teaching . . .
>
> The teacher in an international school should not adopt a colourless and neutral approach to controversial topics; nor should slanted and biased textbooks be withheld from the pupils. The distinguishing of truth from falsehood, the detection of bias, the weighing of evidence, the ability to select what is important and to reject the irrelevant — all these are skills which can be taught within the history course . . .
>
> More instruction about forms and philosophies of governments and economic systems should be included in the curriculum than is usually the case in national systems of education. The object should be the realization by the pupils that many experiments in living have been made in the past and that many are co-existent in the present and that a very great amount of knowledge is required before value judgements can be made upon their respective merits.[18]

The experience of the United Nations School is instructive in many respects. First, the effectiveness of internationalized curriculum depends upon the teacher. Of course, the same is true in every school, but perhaps especially in this school where curriculum was under continual revision and there was a special resource in the family and cultural backgrounds of the students. Second, there will always be forces which make the implementation of internationalized curriculum difficult — concern for more traditional academic subjects, slippage between the published curriculum and classroom practice, limitation of time, difficulty of translating abstract ideas into concrete examples for young students, and the difficulty in evaluating program effectiveness.

Within the American educational system in the years between 1950 and 1970, only a few communities devoted extensive resources to international education at the pre-collegiate level. Glens Falls, New York, was one of these communities.[19]

In 1960 (partly in response to the launching of the Soviet Sputnik in 1957) the passage by the United States Congress of Tiltle VI of the National Defense Edcation Act provided federal funds to stimulate college and university instruction in languages and area studies. This at least was a begining. Again, the importance of a broader approach to international education was emphasized in 1966 by President Johnson in a special message to the Congress:

> International education cannot be the work of one country. It is the responsibility and promise of all nations. It calls for free exchange and full collaboration. We expect to receive as much as we give, to learn as well as teach. Let this nation play its part. To this end, I propose:
>
> To strengthen our capacity for international educational cooperation.
>
> To stimulate exchange with students and teachers of other lands.
>
> To build new bridges of international understanding.[20]

The Congress passed the International Education Act in 1966. In spite of the fact that no funds were specifically appropriated to implement it, its impact upon the field of international education has been unmistakable. One outcome of the momentum generated by federal effort was the establishment in 1968 of the Institute of International Studies in the U.S. Office of Education with the following aims:

> - communicate to an ever-widening audience the concept that the national interest in education includes an international dimension,
> - increase our knowledge of the world and its peoples,
> - infuse an appropriate international dimension throughout the domestic educational program,
> - stimulate or support research and development projects designed to improve methods and materials for international education,
> - educate more specialists for international studies and services,
> - promote ideas and support programs that reduce the disadvantage most Americans incur because their education does not prepare them to cope with the international facts of life,
> - interpret the meaning and importance of international education so that all programs necessary to serve priority national needs become well accepted parts of public policy and acquire sufficient status to ensure sustained support in good times and bad, and
> - improve the national capability to cooperate with other countries in educational development for mutual benefit and increased international understanding."[21]

The Federal Government's involvement in programs to further international understanding and cooperation has now been mandated by approximately fifty legislative enactments.

V. INTERNATIONAL EDUCATION IN THE LATE 1960's

In 1966, the Office of Education funded a proposal of the Foreign Policy Association to prepare *An Examination of Objectives, Needs, and Priorities in International Education in the United States' Secondary and Elementary Schools*, frequently referred to as the Becker/Anderson report. A series of papers from well-known scholars in several disciplines was commissioned.

Recommendations and a typology of educational objectives were evolved by the two major authors; these were then submitted for criticism and comment by a large group of educators at all levels.

One of the major values of the report is that it lays out a definition of international education which differs from many previously employed. This definition has had considerable impact upon work done since 1968 as well as upon some of the phraseology employed in the 1974 UNESCO Recommendation. The Becker/Anderson report recognizes the problem with overly inclusive or vague definitions of international education:

> "International education" is a term of many usages and hence of multiple meanings. We sometimes use the phrase in referring to cross-cultural or comparative studies of educational systems and practices . . . educational assistance programs to developing nations, as well as in discussions of the educational activities of such agencies as UNESCO. We also think of the international exchange of students and teachers as programs in international education. Obviously none of these usages point to what is meant by international education in the context of elementary and secondary schools . . . The lack of adequate conceptions of what international education is would be of only academic significance were the curriculum in our schools based upon operating, albeit unarticulated, images of international education congruent with the educational needs of the time. . . . One suspects that this is not the case.[22]

The unstated definitions of international education with which schools actually operate seem to be of two kinds: first, international education as that which deals with other lands and peoples (the "strange lands and friendly peoples approach") and, secondly, international education as that which is taught in specific courses such as world history, international relations, or foreign area studies. Becker and Anderson found problems with these definitions, however. For example, though one of the more widely claimed purposes of international studies in the schools is the reduction of students' ethnocentric perception of the world, if we think of international education merely as education about *other* lands and *other* peoples, a "we-they" distinction has been built into the very heart of the enterprise. Also the tendency to divide the world into "things American" and "things non-American", for purposes of study, obscures the degree to which study of American history, society, and social institutions has important international dimensions which can serve either to detract from or augment the development of students' understanding of the world beyond their nation's boundaries.[23]

In attempting to formulate a satisfactory preliminary definition, these authors enumerated three aspects of the international environment: societies (territorially based associations including nation states), social institutions and associations that cross or span societal barriers (e.g., the United Nations, the World Bank, NATO, business firms, religious organizations, youth associations), and interactions both among groups and individuals across societal boundaries in addition to the interchanges between societies themselves. They concluded, however, that definitions stressing these elements did not sufficiently emphasize the *global* nature of present world reality and the revolutionary changes taking place in the direction of interdependence. Accordingly, the definition finally adopted was as follows:

> International education consists of those social experiences and learning processes through which individuals acquire and change their orientations to international or world society and their conception of themselves as members of that society. . . . For the purposes of understanding human behavior, it has become useful to think of the human species as having reached a point on the scales of interdependence, common values, and shared problems where we can analytically view the planet's population as members of a single, albeit loosely integrated, society. It is fruitful to think of individuals as having orientations to international society and conceptions of themselves as members of that society.[24]

In contrast to previous definitions, which had stressed education about other nations, these authors constructed a typology of objectives clustered around two major themes. First they delineated the "objects of international understanding." There were three particular objects through which the school curriculum might be helpful in giving students a fuller understanding of the essence of international education: 1) earth as a planet, 2) mankind as one species of life (including both the existence of commonalities and the sources of human differences), and 3) the international system as one level of human social organization. The last item included "but was not confined to knowledge about the UN in terms of the function it performs as a center of decision-making, a site for diplomatic negotiations, an agent in the channeling of economic resources from the developed to the developing nations, a forum for national propaganda, a peace-keeping or policing institution."[25] The processes by which national societies interact and major international social problems are dealt with (e.g., control of conflict or war, foreign policy decision-making, reduction of social and psychological cost of world-wide urbanization), were subsumed under the third object of international understanding. Having delineated these three objects which individuals or groups need to comprehend and make use of in the process of developing better "international understanding", the authors then considered the dimensions of such comprehension or the capacities which ought to be developed in individuals — being knowledgeable about phenomena, being able to make analytic judgments, and, following these, being competent to arrive at normative judgments in the form of attitudes (in particular "humane evaluations"), possessing the ability to critically observe current history, being able to analyze policy and, finally, the motivation to act.

Little attention had been given previously to specifying the objects or dimensions of international understanding. Education for this complex human goal had more frequently been assumed to require only the development of empathy or positive attitudes toward other countries and negative attitudes toward war. The Becker/Anderson report also is notable for giving a lessened emphasis to the role of nation states, to the part played by international leaders as the major world actors, and to the functions of the United Nations and its agencies. These were elements in their much longer list of important "objects" which should be understood by the individual who strives for international competence.

In establishing the educational legitimacy of terms such as "the global perspective in education" the Becker/Anderson report is truly a landmark. It has been widely quoted, and has expanded the group of those who pursue such objectives from an elite group of teachers who happen to have traveled extensively or studied other cultures to a concerned group of teachers, curriculum specialists, and administrators of various persuasions who have a vision of the global system and how education can prepare an individual student to live more effectively in it.

To a considerable extent the phraseology of the UNESCO Recommendation also echoes the Becker/Anderson report, especially in its references to the "global perspective" and the "international dimensions" of education, as well as to the "awareness of increasing global interdependence". Moreover, in its delineation of a broad range of possible sources of influence upon international education, the UNESCO Recommendation relies upon this earlier report. However, the Recommendation, emphasizing as it does the long-standing aims of UNESCO in education, recognizing the importance of education for the realization of human rights, and reflecting the views of people in countries other than the United States, is somewhat more universal in its perspectives.

During the same period that American scholars were contributing to the Becker/Anderson report, a group of seven experts from as many UNESCO member states, constituting the International Commission on Education, were preparing the study, *Learning to Be*, a general work on many issues of importance to UNESCO educational programs (which is commonly called the Faure report after the Chairman of the Committee, who was formerly the French Minister of Education). This volume addresses itself to the democratic structure of the school and the way in which individuals ought to participate in the management of their educational establishments. It also briefly discusses the assumptions underlying political education and education for peace:

> People confuse political or ideological indoctrination with preparation for broad, free reflection on the nature of power and its components, on the forces working in and through institutions . . . An individual comes to a full realization of his own social dimensions through an apprenticeship of active participation in the functioning of social structures and, where necessary, through a personal commitment in the struggle to reform them . . .
>
> The development of democracy is required for peace. It encourages tolerance, friendship, and co-operation between nations. These are platitudes, but, in the complicated and complex play of politics and diplomacy,

> the attitudes of the people concerned weigh more than might appear, particularly when they have a realistic and unsentimental idea of peace. One mission of education is to help men see foreigners not as abstractions but as concrete beings, and to discern a common humanity among the various nations.[26]

Most groups related to the UN and to UNESCO regard the Faure report as a major reference source on the broadest issues of education. Many of its phrases are those which occur frequently in UNESCO planning documents, especially in sections which delineate guiding principles. Any attempt to integrate the American work on international education with the UNESCO Recommendation needs, therefore, to take the perspective of the Faure report into account.

The UNESCO Secretariat also conducted a series of surveys of the status of education for international understanding in the nineteen sixties. The importance of assessing the contribution of education to international understanding at this period was highlighted by the many new Member States joining UNESCO and the establishment of the First Development Decade. This was recognized not only in the General Conference of UNESCO but also by the General Assembly of the UN which invited the UNESCO Secretariat to explore international education at this time. A survey of related programs which UNESCO undertook, in 1960, suffered from the fact that only 24 Member States responded although UN organizations and non-governmental agencies did participate. In 1965 the UN General Assembly adopted a Declaration on "The Promotion Among Youth of the Ideals of Peace, Mutual Respect, and Understanding Between Peoples" which UNESCO had helped to prepare.

In 1967 a survey on "education for international understanding as an integral part of the school curriculum" was conducted; responses were received from 82 countries concerning both the laws relating to the promotion of international cooperation and understanding through primary and secondary education and actual accomplishments:

> In 37 countries out of 82, laws and decrees concerning school organization and curricula expressly refer to international cooperation and understanding. Seventy-eight describe the place given in curricula to international understanding or to the work of international organizations . . . 58 countries refer to a wide range of difficulties and obstacles, whether material (lack of resources), psychological or social (pupil's apathy . . . the contrary influence of mass media . . .), or again political (the present state of political relationships).[27]

This survey was followed up by the "Recommendation concerning Education for International Understanding as an Integral Part of the Curriculum and Life of the School," which was adopted in 1968 by the International Conference on Public Education and addressed to the ministries of education of UNESCO Member States.[27a]

An effort with similar aims which began in the late 1960's is contained in

Toward a Mankind School, a report by Goodlad, Klein, Novotney, and Tye of an attempt to realize a search for human fulfillment and unity in conjunction with a new conception of human rights and understanding of freedom.[28] The roots of their approach are to be found in humanistic philosophy rather than political theory or UNESCO principles. The elements of the school culture through which they attempt to promote this "mankind perspective" include, for example, the role of routine, the use of extrinsic or intrinsic reward, the dependence or independence of the student with regard to teachers, the openness of the school. This book also reports attempts to implement mankind curriculum with a group of students aged nine through twelve. Here the authors concluded that the atmosphere and philosophy which pervades a school appeared to be as important in encouraging students to develop a mankind perspective as any particular curriculum unit.

With the establishment of the Institute of International Studies in 1968, the U.S. Office of Education took on a much more active national leadership role in international education. The philosophy that intercultural understanding had both domestic and international dimensions and that these were inter-related was articulated in public presentations, professional publications, and Congressional appropriations hearings. International/intercultural education was also advocated as a basic need in general education at all levels, to help students develop a broader concept of citizenship more relevant to an interdependent world.[27b]

USOE efforts to support international/intercultural education were progressively broadened in program activities as well as in conceptual approach. For example, "outreach" programs were developed to tap the specialized knowledge of the NDEA Title VI foreign language and area studies centers at U.S. universities to help meet the needs of elementary, secondary, and teacher education for intercultural insights and curriculum materials in teaching about other lands and other peoples as well as about the cultural backgrounds of various minority groups in American society. (The NDEA Title VI outreach program also would seem to hold practical potential for significant contributions to international human rights education.) Special summer seminar programs abroad were initiated to provide teachers with increased opportunities to study at first hand in Africa, Asia, and Latin America the ethnic origins and heritage of some major American ethnic groups.

In 1974, the total international/intercultural effort of OE's Institute of International Studies was further enriched with the establishment of the Ethnic Heritage Studies program under Title IX of the Elementary and Secondary Education Act, as amended. This program is aimed at helping each student develop a better understanding of his or her ethnic heritage as well as an appreciation of the contributions of other ethnic groups to the national heritage.

The effort of this program to meet what John Carpenter (the first director of the branch which administered this program within the Institute of International Studies in the U.S. Office of Education) called "the intercultural imperative" is also reflected in several paragraphs of the UNESCO Recommendation.

VI. EFFORTS INVOLVING OTHER NATIONS

Our discussion would be incomplete without mentioning a number of other concerned groups and international organizations which have contributed programs, materials and perspectives to this area. For example, there is a special concern for peace education which links educators in a variety of European, Asian, and African countries; there has been an effort to internationalize the university in Sweden with an anticipated impact on other levels of education as well; and there have been efforts to implement coordinated programs of international or intercultural education in the U.S. at the state and federal levels.

The work of the Council of Europe in promoting education for international understanding has extended over the last two decades and has concentrated particularly on civic education relating to European unification. Recurring themes in its publications are the importance of an active rather than a passive orientation to one's civic duty and means by which the child can be encouraged to see ever widening levels of cooperation and dynamic integration extending from his own community to Europe to the world. The emphasis upon the importance of a democratic spirit and a regard for human dignity in the conduct of the class and school helps to guide the student toward the desired goal. European Civic Education is not at present one of the intensive projects of the Council of Europe. A number of earlier publications by various agencies, however, provide an interesting perspective on international cooperation.[29] The Documentation Center for Education in Europe and its Information Bulletin reports on many related activities in the European countries.

Since the UNESCO Recommendation deals with education for peace, it is also important to consider peace-education aims as they have been formulated by peace researchers. A variety of points of view are represented in the volume *Handbook on Peace Education*, sponsored by the International Peace Research Association's Education Committee. Contributors from fifteen countries on five continents report on progress as of the early 1970's. Although some of the proposed strategies and programs are suitable only for universities and some are of limited use because of their highly political approach, other articles are relevant. Mushakoji, a Japanese, comments on the diversity and definitions of peace education:

> For those in Europe who have learned through two World Wars how tragic it is for peoples to hate each other, an education for 'international understanding' is peace education. For the Indian disciples of the Mahatma, it is in the great tradition of satyagraha and nonviolence that this education finds its roots. In . . . Japan, this field of pedagogy consists of a collective effort to keep alive the lessons of Hiroshima and Nagasaki. In the United States the long decade of muddling through a war experience in Vietnam lends education for peace a different tone.[30]

Galtung of Norway, a leading peace researcher, highlights the importance of the structure of education as well as its content:

> Peace education has to be compatible with the idea of peace . . . it has in itself to exclude not only direct violence, but also structural violence . . . Any educational form suggested should be evaluated in terms of the structure it engenders. Does it permit a feedback? . . . Does it permit general participation?[31]

Two other contributors to the *Handbook*, Nicklas and Ostermann from the Federal Republic of Germany, speak of stages in peace research and education, stressing that peace education must prepare for peace action. The first stage they identify is education for international understanding, particularly exemplified through UNESCO's efforts to eliminate stereotypes and prejudice from textbooks:

> This approach is mainly limited because it suggests a scheme of psychological explanation which concentrates on the individual. It assumes that peace will be assured only if all prejudices in the individual are dismantled and all national biases destroyed . . . The problem of war cannot be reduced to psychological phenomena of the individual. Wars are not the total sum of individual aggression . . . A peace education reduced to the psychological level is bound to fail because it views man only as an isolated individual, without seeing the social system which mediates the individual structures.[32]

The second phase of peace research and education according to these authors is characterized by the approach of political science — understanding war as a political phenomenon of the international system. In this view cooperation within the existing international system is central to peace, and peace education programs need to develop loyalty to international organizations rather than to existing nations. In the third phase, according to Nicklas and Ostermann, it is recognized that

> Peacelessness is built into into the social structure of nation states and at the same time institutionally anchored in the present organization of the community of states . . . Realistic peace education is part of a strategy for changing contemporary intra-societal as well as international reality.[33]

They refer to peace education in this framework as an emancipatory political education which includes a broad range of learning goals, each carefully related to the structure of education. Among the approximately seventy examples which they give of learning goals are the following:

> To learn not to accept social conditions as a natural phenomenon, but to evaluate these conditions in terms of the given possibilities for the emancipation of man and in terms of the possibility of democratizing society.
>
> To recognize that violence has two forms: personal and structural violence.
>
> To really recognize that peace cannot be sufficiently described as the absence of war.[34]

As can be seen, there is considerable diversity of viewpoint among the authors of this volume on peace education; each reflects different assumptions about the causes of war. One common theme, however, is that school structure is an important part of effective education for peace.

A series of program and policy statements in Sweden represent an attempt at broad institutional change in that country, which has a relatively centralized educational system. In 1972 the Office of the Chancellor of the Swedish Universities appointed a Committee to develop a program to internationalize university education.

> An internationalization of university education seeks to foster international cooperation and international solidarity, which (is) also . . . in line with long-term national interest.[35]

That committee further noted that education should create

> global openness, awareness and readiness to act as well as understanding and respect for other peoples and cultures . . . knowledge related to the world as a whole . . . and the ability to communicate internationally.[36]

One of their assumptions is that education with an international component will prepare students more effectively for careers after the completion of their formal schooling. Although the Swedish reform is concentrated at the university level, it has ramifications beginning as early as the pre-school. At this level, fundamental attitudes such as tolerance and the ability to cooperate would be fostered through games, films, songs, and stories. At the primary and secondary levels syllabi and textbooks would be revised to have "truly world-wide dimension, not merely national or Western." At the university level a number of programs in specialized areas were suggested; more important, however, would be an internationalization of all university courses beginning with a three-week multidisciplinary course for beginning university students to introduce them to international relations and to problems facing mankind (e.g. ecological problems, the arms race). Expanded language programs and exchange programs were proposed also.

VII. COORDINATION OF INTERNATIONAL EDUCATION PROGRAMS IN THE U.S. AT STATE AND FEDERAL LEVELS

Similar attempts in the United States to stimulate and coordinate international programs within particular states are being undertaken with increasing frequency. The historical roots of this effort are to be found in the programs of the State of New York. This effort was spearheaded by the creation in the early 1960's of several positions and institutional structures with specific competencies in foreign area studies. In 1963 a state plan for international education was accepted by the N.Y. Board of Regents, and in 1970 a formal position paper and policy statement, entitled *International Dimensions of Education*, was issued. Seven major themes were detailed in that paper, including conflict resolution and international cooperation, intercultural relations, and comparative urbanization. At the present time the Center for International Programs and Comparative Studies is located in the State Education Department at

Albany, under the direction of Ward Morehouse, who has been the moving force behind this program. The Center's aim has been to strengthen at all levels of the educational system opportunities for the study of other areas of the world. It coordinates the activities of the Foreign Area Materials Center in New York City, the Educational Resources Center in New Delhi, India, and the Office of Comparative Education and Educational Exchange in Albany. The Center is also involved in networks such as the Associated Schools Project, the International Baccalaureate, and the Council for Intercultural Studies and Programs (which provides a link to international programs at colleges and universities throughout the United States). Similar state-wide efforts in North Carolina, Indiana, Texas, and Wisconsin are making considerable progress.[37]

A series of problems which are likely to be encountered in programs such as these have also been identified. For example, excellent materials are sometimes not diffused beyond the area where they are developed because of funding limitations; there is often a lack of sufficient financial support to complete the adequate training of teachers to use the materials developed; the absence of an effective evaluation implemented throughout the project results in less effective model building.

In some respects the state-wide efforts in the United States are the most appropriate analogy to the Swedish attempt to internationalize education. However, the International Education Project of the American Council on Education, an organization which has as its members institutions of higher learning throughout the country, is exerting an important leadership role through its publications and conferences. The ACE's recent report, *Education for Global Interdependence: A Report with Recommendations to the Government/Academic Interface Committee*, makes a wide range of recommendations dealing particularly with the redirecting of funds and the establishment of priorities of federal and private funding agencies as well as with university-level reforms.[38] The purpose of these proposals is to fill more adequately the need for citizenship education about international issues as well as to encourage expert knowledge of a wide range of languages and foreign areas. The study justifies its statements about the need for additional attention to training for globally oriented citizens on the information that only about 3% of undergraduate students have enrolled in any courses dealing specifically with international events or foreign cultures; that barely 5% of pre-service teachers in the U.S. have any exposure to global perspectives during their training; and that less than 2% of the average television week on commercial and public television concerns international matters. In the view of the American Council on Education, changes in policy to implement its recommendations are urgently needed.

Other national educational organizations which have recently recognized the importance of international education are the National Commission on the Improvement of Secondary Education, which has included reforms related to global education in its recent report,[39] and the National Education Association, which has made a "Declaration of Interdependence: Education for a Global Community" part of their Bicentennial program. In order to "dramatize the urgency of teaching for peace and encourage the inclusion of peace studies in our public schools" the NEA has sponsored a Peace Studies Exposition. A list of the materials included may be found in the Appendix.

VIII. CONCLUSION

The progress in international education during the last several decades seems to be toward greater realism, as evidenced in the setting of more concrete goals, by a clearer perception of the reality of global interdependence and its relation to the national interest, by an increased appreciation of the interrelationship of ongoing educational efforts with other parts of the social and educational system, by the recognition of the importance of the structure as well as the content of curriculum, by support for teacher preparation as well as for the production of appropriate materials, and, finally, by a sharper focus on education as a means to enhance the average citizen's motivation to participate rather than to be a passive observer of world affairs.

The UNESCO Recommendation is a unique reflection of both the perspective on international and global education that American social scientists and educators have espoused and the long-standing educational principles that UNESCO has promoted. In the realization of these principles, human rights education becomes an integral part of international education, life-long education takes on a higher priority than schooling restricted to the years from 6 to 16, the value of interdisciplinary international education is recognized, and the importance of knowledge about the efforts of various international organizations in helping to solve world problems is stressed. In short, the UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms not only builds upon progress made during the last twenty-five years in the United States and other UNESCO Member States but also represents a consensus of the Member States concerning the importance of intensified cooperative effort.

Chapter Two: FOOTNOTES

1. D.G. Scanlon, *International Education: A Documentary History*, p. 7 (Columbia U. Press, 1960).

2. Cited in Scanlon, *supra*.

3. A. Carnegie, "Letter to the Trustees," reprinted in *Basic Documents of the Carnegie Endowment for International Peace*, p. 5 (Carnegie Endowment, 1974).

4. Scanlon, *supra* note 1 at p. 7.

5. See T.J. Jones, *Report of the Committee on the Social Studies in Secondary Education, Bulletin No. 28* (Bureau of Education, U.S. Department of the Interior, 1916).

6. H.O. Rugg, "Do the Social Studies Prepare Pupils Adequately for Life Activities?" in *The Social Studies in the Elementary and Secondary Schools, Twenty-second Yearbook of the National Society for the Study of Education, Part II* (Bloomington, Illinois: Public School Publishing Co. 1923).

7. Scanlon, *supra* note 1.

8. *Id.* at p. 16.

9. D. Prescott, *Education and International Relations*, p. 114 (Harvard U. Press, 1930).

10. For the entire text, see Prescott, *supra*.

11. *Id.* at p. 3.

12. *Id.* at p. 23.

13. For a history of the early years of UNESCO, see W. Lavas & C.A. Thompson, *UNESCO: Purpose, Progress, Prospects* (Indiana U. Press, 1957).

14. For a summary of program activities, see *International Understanding at School* (Paris: UNESCO, 1971).

15. *Id.* at p. 15.

16. *Id.* at p. 23.

17. H.W. Malinowski & V. Zorn, *The United Nations International School: Its History and Development*, p. 60 (U.N. International School, 1973).

18. G. Sullivan, cited in Malinowski & Zorn, *id.*, pp. 143-144.

19. For description of the Glens Falls, New York, program see J.V. Torney & D. Morris, *Global Dimensions of U.S. Education: The Elementary School* (New York: Center for War/Peace Studies, 1972).

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21. Combined summary from R. Leestma, "OE's Institute of International Studies," *American Education*, Vol. 5, No. 5, May, 1969, p. 8; and from R. Leestma, "Foreword," *Inventory of Federal Programs Involving Educational Activities Concerned with Improving International Understanding and Cooperation*, U.S. Office of Education, June, 1969, pp. xiii-xiv.

22. J.M. Becker, "An Examination of Objectives, Needs, and Priorities in International Education in United States' Elementary and Secondary Schools," *Report to the United States Office of Education on Project 6-2908*, p. 11 (Bethesda, Md.: ERIC Document Reproduction Service, 1969)

23. *Id.*, p. 17.

24. *Id.*, pp. 30-31.

25. *Id.*, p. 79.

26. E. Faure, *Learning to Be*, pp. 151, 155 (Paris: UNESCO, 1972).

27. UNESCO Report, ED/MD/27 (1973), p. 7.

27a. The text of this Recommendation is reproduced in International Conference on Public, Education, *Recommendations: 1934-1968* (International Bureau of Education, 1970), pp. 342-54.

27b. See, for example, R. Leestma, "OE's Institute of International Studies," *American Education*, Vol. 5, No. 5, May, 1969, pp. 6, 8. See also, R. Leestma, "Ethnocentrism and Intercultural Education: New insights at home through experience abroad," *International Education*, Vol. 2, No. 2, Spring 1973, pp. 11-16; and R. Leestma, "Reflections on the Internationalization of Higher Education," pp. 125-145 in *The International Role of the University in the 1970's*, Conference Proceedings, May 17-19, 1973, University of Massachusetts at Amherst.

28. J. Goodlad *et al.*, *Toward a Mankind School* (McGraw Hill, 1974).

29. For example, see publications in the series of the Council for Cultural Co-operation of the Council of Europe such as Y. Roger, *Toward a European Civic Education During the First Phase of Secondary Education* (Strasbourg, 1969) and volumes on history and geography from the series on European Curriculum Studies.

30. K. Mushakoji, "Peace Research and Peace Education in a Global Perspective," in C. Wulf, *Handbook on Peace Education*, pp. 3-4 (International Peace Research Association, 1974).

31. J. Galtung, "On Peace Education," in Wulf, *id.* at p. 155.

32. H. Nicklas & A. Ostermann, "Reflections on a Curriculum of Peace Education," in Wulf, *id.* at p. 174.

33. *Id.*, p. 175.

34. *Id.*, pp. 179-183.

35. Swedish Committee for Internationalizing University Education, *Internationalizing Education*, p. 14 (Stockholm, Sweden: Office of the Chancellor of the Swedish Universities, 1974).

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CHAPTER THREE

Major United Nations and UNESCO Human Rights Instruments

I. INTRODUCTION

The 1974 UNESCO Recommendation was adopted to promote "international education" and "education relating to human rights." In the preceding chapters we analyzed the "international education" aspects of the Recommendation. Here we shall discuss the concept of "human rights" as understood and defined by the Recommendation.

Philosophers, theologians, educators and lawyers tend not infrequently to define human rights by reference to different criteria or values. [1] The resulting definitions are determined by the needs and methodology of a given discipline, by individual political and philosophical beliefs, and by perceived or imposed legal, institutional and governmental demands or restraints. Our task is even more predetermined, for the UNESCO Recommendation contains a definition of human rights. This definition was adopted to help educators understand and comply with the mandate of the Recommendation: to promote and develop "education relating to human rights." We shall attempt to explain this definition and provide related information about international protection of human rights to give meaning to the guidelines of the Recommendation. That is the purpose of this and the following two human rights chapters.

It is important to note at this point that the definition of international human rights cannot be separated from the legal, institutional, and factual contexts within which various international human rights formulations have been articulated. In dealing with the definition of human rights, these contexts must be discussed. In the other areas of the Recommendation — international understanding, cooperation, and peace — material which would enable educators to understand these contexts is more readily available. The detailed discussion of the legal, institutional, and factual contexts of international human rights is therefore not carried over to topics that are discussed in this volume.

II. THE INTERNATIONAL BILL OF HUMAN RIGHTS

"Human rights and fundamental freedoms," declares paragraph 1(c) of the 1974 UNESCO Recommendation, "are those defined in the United Nations

Charter, the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights." These international instruments proclaim the basic civil and political rights that are also guaranteed by the U.S. Constitution and Bill of Rights. But the International Bill of Rights, which is comprised of the Universal Declaration and the two Covenants, sets forth additional rights dealing with social, economic and cultural matters that are not expressly recognized in comparable U.S. constitutional instruments. Recent federal and state legislation does, however, provide for and accord many of the benefits that these newer rights are designed to ensure.

In the pages that follow we shall examine each of the instruments that is mentioned in the definition of the UNESCO Recommendation. This discussion should enable us to determine which human rights are today entitled to international respect and protection.

A. *The United Nations Charter*

The United Nations Charter is the first instrument that the UNESCO Recommendation mentions in defining human rights. The Charter is the constitution of the United Nations and, as such, regulates the powers and functions of the organization. It is also a multilateral treaty to which all UN Member States are parties. As a treaty, the UN Charter sets out the rights and obligations of the Member States.

The preamble and seven of the 111 Articles of the UN Charter deal with human rights. These are Articles 1, 13, 55, 56, 62, 68 and 76. Most important of these are Articles 1, 55 and 56. Among the "Purposes of the United Nations," enumerated in Article 1 of the Charter, is the achievement of "international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion." Article 55 imposes on the UN the obligation to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." The Member States, in turn, "pledge themselves" in Article 56, "to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55." The Charter thus commands the UN and its Member States to promote the observance of human rights. This obligation is legally binding under international law because it is embodied in a treaty — the UN Charter — which the Member States have ratified. No UN Member State can consequently validly assert that it is free, as a matter of international law, to violate fundamental human rights.

Of course, we all know that there are governments, just as there are individuals, who do not live up to their legal obligations. The existence of the UN human rights provisions is of great importance, however, because the mere existence of legal obligations tends to deter or at least to reduce illegal behavior of individuals and governments. Moreover, prior to 1945 when the UN Charter entered into force, the human rights of the citizens of a state were deemed under international law to be matters within the domestic jurisdiction of the state. This meant that, with minor exceptions, states did not have an *international* legal obligation to respect the human rights of their nationals and could not be called to account by an international body or by other states for violating such rights.

The UN Charter does not contain a definition or a list of "human rights and fundamental freedoms." The human rights provisions of the Charter are "elastic" clauses in the sense that they apply to whatever specific rights and freedoms the UN characterizes, through subsequent action and measures, as "human rights and fundamental freedoms." The UN Charter is very specific, however, in proclaiming the principle of non-discrimination ("without distinction as to race, sex, language or religion") in the enjoyment of "human rights and fundamental freedoms." The principle of non-discrimination thus applies to all rights and freedoms that come within the UN Charter definition. In defining human rights by reference to the "United Nations Charter," the UNESCO Recommendation itself accepts the evolutionary character of the concept of "human rights" as well as the UN principle of non-discrimination.

Among the UN instruments to which one must look to determine what specific rights are today deemed to be "human rights and fundamental freedoms" within the meaning of the UN Charter are the Universal Declaration of Human Rights and the two International Covenants on Human Rights. These are the very instruments that the UNESCO Recommendation mentions expressly in its definition of human rights. There are also numerous other international human rights instruments that have their source in the UN Charter. Most important among these for our purposes are the Genocide Convention, the International Convention on the Elimination of All Forms of Racial Discrimination, the UNESCO Convention against Discrimination in Education, the UN Declaration on the Elimination of Discrimination against Women, and the UN Declaration of the Rights of the Child. (A list of major international human rights instruments is reproduced in the Appendix.)

B. The Universal Declaration

The Universal Declaration of Human Rights was adopted unanimously by the UN General Assembly on December 10, 1948. As a statement of principle and human aspirations, the Universal Declaration has much in common with the Magna Carta, the French Declaration of the Rights of Man, the American Declaration of Independence, and the U.S. Bill of Rights. The Universal Declaration must be ranked with these great historic documents, if only because it is the first comprehensive codification of internationally recognized human rights. Its debt to these milestones in the quest for freedom is unmistakable. "All human beings are born free and equal in dignity and rights," proclaims Article 1 of the Universal Declaration, and Article 28 adds that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

1. Basic Civil and Political Rights

The Declaration's list of civil and political rights includes the "right to life, liberty and security of person;" the prohibition of slavery, of torture and "cruel, inhuman or degrading treatment;" the right not to be subjected to arbitrary arrest, detention or exile; the right to a fair trial in both civil and criminal matters, the presumption of innocence and the prohibition against the application of *ex post facto* laws and penalties. The Declaration recognizes the right to privacy and the right to own property. It proclaims freedom of speech, religion, and assembly.

The Declaration acknowledges the right to freedom of movement and provides in Article 13 that "everyone has the right to leave any country, including his own, and to return to his country." This provision is supplemented by the right "to seek and to enjoy in other countries asylum from persecution" and the right to a nationality.

Among the stipulations relating to family life is Article 16, which declares that "men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family." It also provides that "marriage shall be entered into only with the free and full consent of the intending spouses."

Important political rights are proclaimed in Article 21 of the Declaration. Among these is the individual's right "to take part in the government of his country, directly or through freely chosen representatives." This provision also declares that the "will of the people shall be the basis of the authority of government." To this end, it requires "periodic and genuine elections" by universal suffrage.

2. Economic, Social and Cultural Rights

The economic, social and cultural rights proclaimed in the Declaration have their starting point in the proposition expressed in Article 22:

> Everyone, as a member of society . . . is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensible for his dignity and the free development of his personality.

In accordance with this proposition the Declaration proclaims the individual's right to social security, to work, and to "protection against unemployment," to "equal pay for equal work," and to "just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection." The right "to rest and leisure, including reasonable limitations of working hours and periodic holidays with pay" is recognized in Article 24. Article 25 of the Declaration proclaims that everyone has the right "to a standard of living adequate for the health and well-being of himself and of his family." It also recognizes the individual's right "to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

The right to education is dealt with in Article 26 of the Declaration which provides, among other things, that education shall be free "at least in the elementary and fundamental stages." It established a "prior right" of parents "to choose the kind of education that shall be given to their children." Moreover, Article 26 also declares that

> Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

It is important to note that this objective of education finds expression, in identical language, in the first "Guiding Principle" of the UNESCO Recommendation.[2]

Article 27 of the Declaration deals with cultural rights. Among those that are proclaimed is the important principle that every human being has "the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

3. *Limitations on the Exercise of the Rights*

The Declaration recognizes that the rights it proclaims are not absolute and permits a state to enact laws limiting the exercise of these rights, provided their sole purpose is to secure "due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society." (Art. 29(2).) A government's authority to impose such restrictions is further limited by the rule laid down in Article 30 that "nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms proclaimed in the Declaration." A government would be deemed to have violated this provision if, for example, it used its power to impose lawful restrictions and limitations on the exercise of certain human rights solely for the unlawful purpose of denying such rights.

4. *The Legal and Political Effect of the Universal Declaration*

Over the years there has been considerable debate among international lawyers about the legal force of the Universal Declaration. Since it is not a treaty and was adopted in the form of a non-binding resolution of the UN General Assembly, some governments and lawyers have contended that it has no legal force. Others have argued that the Universal Declaration is an authoritative interpretation or definition by the UN Member States of the "human rights and fundamental freedoms" which, under the UN Charter, these states are under a legal obligation to promote. This latter view has over the years gained wide acceptance among international lawyers and, in theory at least, a majority of governments as well.[3] Among the numerous official government statements substantiating this conclusion is the highly authoritative "Proclamation of Teheran," adopted at the UN-convened International Conference of Human Rights, which met in Teheran in 1968 and was attended by representatives of approximately 100 governments. It declares that "the Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and *constitutes an obligation for the members of the international community*."[4] (Emphasis added) This proposition has been repeatedly reaffirmed in and by the United Nations.[5]

The repeated assertions by governments, whether for purposes of propaganda or out of genuine conviction, that the rights proclaimed in the Universal Declaration are fundamental and inalienable, have clothed that instrument with great symbolic significance. One of the consequences of this development is that people around the world have increasingly come to believe that governments should respect the human rights proclaimed in the Universal Declaration and that they have an international obligation to do so. Since the political pressure that domestic and world public opinion generate is often the only available remedy to prevent large-scale violations of human rights, the legal character of the Universal Declaration is less important than the strongly-held conviction of millions of individuals in all parts of the world that the Universal Declaration proclaims *their* rights and that governments have pledged to respect these rights.

C. The International Covenants on Human Rights

The Covenant on Economic, Social and Cultural Rights and the Covenant on Political and Civil Rights were formally adopted by the UN General Assembly in December 1966, eighteen years after the UN had begun to draft these treaties. Another decade passed before thirty-five states — the number required to bring the Covenants into force — ratified both Covenants. The Covenant on Economic, Social and Cultural Rights went into effect on January 3, 1976, and the Covenant on Civil and Political Rights on March 23, 1976.*

The Covenants were designed to transform the principles proclaimed in the Universal Declaration into binding treaty obligations. This meant that the lofty rhetoric of the Declaration had to be translated into precise statutory language and that exceptions, limitations and restrictions on the exercise of various rights had to be spelled out in detail. The Covenants were also designed to establish an international machinery to supervise and enforce the application of the guaranteed rights. Given the great reluctance of many governments to assume unambiguous international obligations to safeguard human rights and to accept effective international controls for their enforcement, it is not surprising that the process of drafting the Covenants remained for many years bogged down in endless legalistic squabbles and parliamentary maneuvers. That the Covenants were ultimately adopted and that they have now entered into force is a significant accomplishment, notwithstanding the fact that a strong system of international controls had to be sacrificed to achieve it.

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* The U.S. has thus far ratified neither these nor most other human rights treaties. The U.S. positions on this and related issues are discussed in Chapter 5, *infra*.

1. Substantive Provisions Common to Both Covenants

The Covenants have a number of common substantive provisions. Two of these deal with what might be described as "group" or "collective" rights, to distinguish them from so-called individual rights. Thus Article 1(1) of both Covenants proclaims that "all peoples have the right of self-determination." Both instruments in Article 1(2) also recognize the right of "all peoples" to freely dispose of their natural resources and that "in no case may a people be deprived of its means of subsistence." These provisions reflect the special concerns of the developing and newly independent countries whose influence was minimal in 1948, when the Universal Declaration was being drafted, but who by 1966 had already gained a significant voice in the UN. Both Covenants also bar discrimination, in the enjoyment of the rights they guarantee, based on race, color, sex, language, religion, political or other opinion, national or social origin, property, or birth.

2. Covenant on Civil and Political Rights

The catalog of civil and political rights spelled out in the Covenant on that subject is more precisely formulated and somewhat longer than the list of comparable rights that the Universal Declaration proclaims. An important addition is the provision which bars states from denying members of ethnic, religious or linguistic minorities the right, "in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." (Civil and Political Covenant, Art. 27.) Other rights guaranteed in the Covenant on Civil and Political Rights that are not expressly mentioned in the Universal Declaration, include freedom from imprisonment for debt; the right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person; and the right of every child "to acquire a nationality" and to be accorded "such measures of protection as are required by his status as a minor, on behalf of his family, society and the State." (Art. 24.)

Among the rights that the Universal Declaration proclaims, but which the Covenant on Civil and Political Rights does not guarantee, are the right to own property, to seek and enjoy asylum and to have a nationality. The right to own property was not included in the Covenant because the various ideological blocs represented in the UN were unable to reach a consensus on the scope and definition of this right.

3. Covenant on Economic, Social and Cultural Rights

This Covenant contains a longer and much more comprehensive list of economic, social and cultural rights than are proclaimed in the Universal Declaration. This may be attributed, in part, to the increased size of the UN and to the fact that the leaders of many newly independent nations regard economic development and the attainment of a higher standard of living as their most important priorities, which may explain why they are very sympathetic to the international recognition of economic, social and cultural rights. But it must also not be forgotten that the United States and countries with similar political systems have since 1948 increasingly come to recognize that comprehensive social welfare legislation and the provision of economic assistance to the needy are legitimate governmental functions. As Morris B. Abram, the former U.S. Representative to the UN Commission on Human Rights, put it in 1969:

> Twenty years ago, when the Universal Declaration was first adopted, most Americans had psychological difficulties with some of its concepts. The Universal Declaration seemed a startling statement because it melded the civil and political rights — freedom of speech, of assembly, of religion, etc. — with economic and social guidelines from the labor movement and socialist movement as well. We thought of adequate housing or sufficient leisure as very fine goals, but we asked, 'In what sense are these rights?' Two decades later, we have gradually accepted these as rights in the terminology of the Universal Declaration.[6]

It is equally true that with the coming of Medicare and Medicaid and the proliferation of federal and state social welfare legislation in this country, the rhetoric of the Covenant on Economic, Social and Cultural Rights is less jarring to American ears than it would once have been.

The Covenant recognizes the following economic, social, and cultural rights: the right to work, which "includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts;" the right to the enjoyment of just and favorable conditions of work; the right to form and join trade unions; the right to social security, including social insurance; the protection of the family, mothers, children and young persons; the right to an adequate standard of living; the right to the enjoyment of the highest attainable standard of physical and mental health; the right of everyone to education; and the right to take part in cultural life.

Each of these provisions deals in considerable detail with various aspects of the right it guarantees. For example, Article 13, which deals with education, contains separate stipulations relating to primary, secondary, and higher education. It also imposes on the States Parties the very important obligations to respect "the liberty of parents . . . to choose for their children schools, other than those established by the public authorities . . . to ensure the religious and moral education of their children in conformity with their own convictions."

An equally important obligation is established in Article 15 which, in proclaiming various cultural rights, provides that "the States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity."

4. *Nature of Legal Obligations under the Covenants*

The UN had initially thought of drafting the Covenants in the form of a single instrument. The decision to separate the treaty on civil and political rights from the one dealing with economic, social and cultural rights was made, in part, because these two broad categories of rights cannot be implemented by the same methods. In general, all a government has to do to respect civil and political rights is to adopt and enforce appropriate laws. The situation is quite different with regard to many economic, social and cultural rights. For example, the enactment of a law providing that everyone has a right to an adequate standard of living cannot provide the enjoyment of that right unless the government has the necessary economic resources.

It is clear, therefore, that governments cannot be expected to assume the same legal obligations to give effect to economic, social and cultural rights as they are expected to assume for civil and political rights. In 1951, when urging the UN to prepare separate instruments for these rights, the U.S. representative noted this difference by emphasizing that "civil and political rights were of such nature as to be given legal effect promptly by the adoption of such legislative or other measures as might be necessary. The economic, social and cultural rights while spoken of as 'rights' were, however, to be treated as objectives towards which States adhering to the Covenant would within their resources undertake to strive. . . ."[7]

Not surprisingly, therefore, the two Covenants impose different legal obligations on the governments that ratify them. A state which becomes a party to the Covenant on Civil and Political Rights is under an *immediate* legal obligation to comply with its provisions.[8] This is not the case with regard to the Covenant on Economic, Social and Cultural Rights. It requires progressive as distinguished from immediate implementation and merely obligates each State Party "to take steps . . . to the maximum of its available resources, with a view to achieving *progressively* the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures." (Emphasis added)[9] Had this "progressive" or "promotional" approach not been adopted few, if any, governments could in good faith have agreed to be bound by this Covenant.

5. *International Supervision*

Each of the Covenants has its own international machinery and procedures to encourage and to supervise compliance by the governments of the states that ratified these treaties. These so-called "measures of implementation" are much weaker than what would be needed to establish an effective international system for the protection of human rights.

a. Covenant on Economic, Social and Cultural Rights

The Covenant on Economic, Social and Cultural Rights establishes a reporting system that requires the Member States to file periodic reports with the UN Economic and Social Council (ECOSOC) "on the measures which they have adopted and the progress made in achieving the observance of the rights recognized" in that Covenant. (Art. 16.)[10] These reports, supplemented by information received from various specialized agencies of the UN, for example, UNESCO, the International Labor Organization (ILO), the World Health Organization (WHO), the Food and Agricuture Organization (FAO), are to be reviewed by ECOSOC and the UN Commission on Human Rights. The general findings and recommendations of these bodies may thereafter be reported by ECOSOC to the UN General Assembly. This procedure enables the General Assembly to debate and adopt resolutions dealing with the matters covered in the reports.

Although measures of implementation that consist only of a reporting system such as the one just described leave much to be desired from the point of view of their efficacy, it would be a mistake to assume they have no value. The obligation of the states to report on these economic, social and cultural subjects gives ECOSOC, the UN Commission of Human Rights and the General Assembly the legal authority to deal with these matters. Experience with other international reporting systems indicates that this power, if used imaginatively, can at times be quite effective in prodding governments into complying with their international obligations.

b. Covenant on Civil and Political Rights

The measures of implementation of the Covenant on Civil and Political Rights consist of a reporting system and a procedure allowing a State Party to file a complaint against any other State Party to compel compliance with the provisions of the Covenant.[11]

The reporting system resembles that provided for by the Covenant on Economic, Social and Cultural Rights. But unlike it, the Covenant on Civil and Political Rights provides that the reports be submitted to the Human Rights Committee (a special body established by that Covenant). The Committee consists of 18 individuals, "who shall be persons of high moral character and recognized competence in the field of human rights." (Art. 28.) They are nominated and elected by the States Parties to the Covenant, but serve in their individual capacity. This means that, unlike the UN Commission on Human Rights or ECOSOC, the Human Rights Committee is a body that does not consist of government representatives.

The States Parties are required to submit reports to the Committee "on the measures they have adopted to give effect to the rights recognized" in the Covenant and "on the progress made in the enjoyment of those rights." (Art. 40(1).) It is the task of the Committee to study this information and to report its findings and conclusions to the States Parties as well as to ECOSOC.

The complaint procedure of the Covenant on Civil and Political Rights is optional. That is, it may only be invoked by and against states whose governments, by means of a special declaration, have authorized the Human Rights Committee to act on such complaints. Moreover, not only is the complaint procedure optional for states that have ratified the Covenant, it also does not provide for binding adjudication or arbitration. All that is provided for is a mediation and conciliation process.

This system works as follows with regard to states that have filed the special declaration subjecting themselves to the complaint procedure. Let us assume that a State Party, which we shall call X, believes that another State Party (Y), is violating the Covenant. State X makes this allegation in a formal statement addressed to Y. State Y must provide X with an answer to these charges within a period of three months. If X and Y do not resolve their differences within a period of six months, each of them has the right to submit the matter to the Human Rights Committee. This body will then invite the parties to present their case and to submit whatever evidence they have. At the same time, the Committee "shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter *on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant.*" (Emphasis added) (*Id.* Art. 41(1)(e).) If a friendly solution is reached, the Committee reports the terms of the settlement. If no agreement has been arrived at within a period of twelve months, the Committee has to prepare a report, containing a brief statement of the facts as well as the written and oral submissions of the parties (X and Y). The proceedings end with this action except that, with the consent of X and Y, the Committee may appoint a so-called *ad hoc* Conciliation Commission, consisting of five individuals acceptable to the parties and serving in their individual capacities. The function of this group is similar to that of the Human Rights Committee except that, if no friendly settlement has been reached, the Conciliation Commission is empowered to make its own findings of all the relevant facts and to suggest how the dispute should be settled. The parties are under no legal obligation, however, to accept the solution proposed by the Commission, but their failure to agree to the solution can be noted in the Human Rights Committee's annual report to the UN General Assembly.

Although this system is non-obligatory and non-binding, it is not necessarily ineffective. In most cases of large-scale governmental violations of human rights, political pressure by other governments and by international organizations as well as by private groups in and outside the country is often the only available remedy. Such pressure is more easily generated when the allegations of human rights violations have been verified by an impartial international fact-finding body such as the *ad hoc* Conciliation Commission, which makes it much more difficult for the delinquent state to dismiss the allegations as anti-government propaganda. How effective this method is in individual cases is hard to say. All we know is that it seems to work with some governments at certain times and then again it does not at other times or with different governments. This, at any rate, has been the experience of influential private international groups such as Amnesty International and the International Commission of Jurists that monitor human rights violations and press governments to stop serious violations.[11a] The very fact that governments are most reluctant to accept even as weak a system of international controls as that provided for under the Covenants suggests that they fear its potential political and legal consequences.

c. The Optional Protocol to the Covenant on Civil and Political Rights

States tend to be very reluctant to institute proceedings or file complaints against other states alleging violations of human rights. And the decision whether they will or will not take this action is often motivated by political considerations that have little to do with human rights. It is reasonable to assume, therefore, that no system for the international protection of human rights is likely to be very effective unless individuals and private groups have the right to file complaints against the offending governments before an international body.

Various non-governmental organizations and human rights specialists consequently strongly urged that the right of private petition be incorporated in the Covenants. This effort was successful only to a very limited extent. Since a majority of governments opposed the right of private petition, it was not included in the Covenants themselves. It is dealt with instead in a separate treaty, known as the Optional Protocol to the International Covenant on Civil and Political Rights. The Protocol was adopted at the same time as the Covenants and sets up a procedure enabling individuals to file petitions with the Human Rights Committee — the body established by the Covenant on Civil and Political Rights — alleging that their rights under that Covenant were or are being violated. (No comparable remedy exists under the Covenant on Economic, Social and Cultural Rights.)

The Protocol provides that the Human Rights Committee may accept private petitions only if the accused government has ratified the Optional Protocol as well as the Covenant on Civil and Political Rights.[11b] Such complaints are handled in the following manner. After receiving the petition, the Human Rights Committee makes a preliminary determination whether the petition meets certain formal legal requirements. (Optional Protocol to the International Covenant on Civil and Political Rights, Art. 3.) If the petition is formally in order, the Committee requests an explanation from the accused government. The government is under a legal obligation to respond to the charges within a period of six months. Thereafter the Human Rights Committee examines the information submitted by the government and the individual and makes its findings in the case. These findings are transmitted by the Committee to the individual and to the government.

The Protocol does not contain an express provision making the Committee's decision binding on the government. But the government's legal obligation not to violate the rights which the Covenant guarantees would seem to carry with it the duty to remedy a situation that the Committee characterizes as a violation. The Committee does not, however, have any enforcement powers and the only method at its disposal to get states to live up to their obligations is Article 6 of the Protocol, which declares that "the Committee shall include in its annual report under Article 45 of the Covenant [on Civil and Political Rights] a summary of its activities under the present Protocol." This report is submitted to the UN General Assembly, where it can be debated and where pressure may be brought to bear on the government in question.

III. OTHER INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

In addition to the Universal Declaration of Human Rights and the Covenants, there exist numerous international and regional instruments of human rights. They have been adopted by the UN and its specialized agencies, particularly by UNESCO and the International Labor Organization, and by such regional intergovernmental organizations as the Council of Europe and the Organization of American States. Most of them trace their origin to the human rights provisions of the UN Charter. Together they comprise a vast body of international human rights law, principles and policies which, in turn, gives substantive content and a degree of normative precision to the "human rights and fundamental freedoms" that the UN and its Member States are under an obligation to promote.

Space limitations permit us to discuss only some of the more important international instruments of human rights, namely the Convention on the Prevention and Punishment of the Crime of Genocide; International Convention on the Elimination of All Forms of Racial Discrimination; UNESCO Convention against Discrimination in Education; UN Declaration on the Elimination of Discrimination against Women; and UN Declaration of the Rights of the Child.

A. *The Genocide Convention*

The Genocide Convention was adopted by the UN General Assembly on December 9, 1948. It entered into force on January 12, 1951 and has been ratified by approximately eighty countries. The policies of Hitler Germany, which led to the extermination of millions of Jews and members of other national, ethnic and religious groups, provided the rationale for the Genocide Convention; it was adopted in the hope and for the purpose of preventing similar crimes in the future. [12]

The Genocide Convention provides that genocide, whether committed in time of peace or time of war, is a crime under international law. A "crime under international law," unlike a violation of international law, is a grave offense against the entire international community for which the individual perpetrator himself is punishable. It thus differs from a mere violation of international law, which makes a government liable for the resulting damages but does not create criminal liabilities for individuals. Article IV of the

Genocide Convention accordingly provides that "persons committing genocide . . . shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

The Convention defines "genocide" as the commission of certain enumerated acts "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." (Art. II) The acts constituting genocide are: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group. To be guilty of the crime of genocide, an individual must have committed one of the foregoing acts with the specific intent of destroying, in whole or in part, a national, ethnic, racial or religious group. The killing of some members of a group could consequently amount to genocide if it was carried out pursuant to a design to destroy the *group* or a substantial element of the group. By the same token, the killing of many members of a group by a person who lacked any intent to destroy the *group* "in whole or in part" does not constitute genocide under the Convention.

An important point that is often overlooked in discussing the Genocide Convention is that, by outlawing the destruction of national, ethnic, racial and religious groups, it formally recognizes the right of these groups to exist as *groups*. Viewed from this perspective, the Genocide Convention clearly is the most basic instrument for the international protection of group rights. It is worth noting, in this connection, that the United States and some of its allies attempted, without success, to include "political groups" among those that the Genocide Convention protects.

The Genocide Convention takes account of the possibility that those charged with genocide might be tried by an international criminal court; but it does not establish such a tribunal, nor does one exist today. The Convention does provide, however, that a dispute between two or more States Parties can be appealed to the International Court of Justice. For example, if State X fails to take appropriate steps to punish genocide, State Y can refer the case to the International Court of Justice. Its decisions are legally binding on the parties to the dispute, and the UN Security Council is authorized under the UN Charter to enforce the Court's judgments.[13] But this Court does not have jurisdiction to try individuals for genocide. Until an international criminal court is established for that purpose, the punishment of the offenders is left to national courts. This need not be a meaningless threat, considering that provisions are made for extradition and that the criminal can be tried in the courts of the state where the crime was committed, the courts of the state whose nationality he has, and most likely also the courts of any state that apprehends him. Although it is clear that a government practicing genocide will neither try nor extradite one of its nationals who is accused of genocide, a successor government might well take such action. The trial of Nazi war criminals by German courts illustrates the application of this principle.

B. International Convention on the Elimination of All Forms of Racial Discrimination

The Racial Convention was adopted by the UN General Assembly in 1965 and entered into force in 1969. It has in the meantime been ratified by almost ninety countries. "The substantive provisions of the 1965 Convention," as one leading human rights scholar rightly points out, "represent the most comprehensive and unambiguous codification in treaty form of the idea of the equality of races."[14]

The Convention prohibits "racial discrimination," which it defines as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin" having the purpose or effect of "nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." (Art. 1.) A state which ratifies the Convention has the legal obligation to eliminate racial discrimination in its territory and to enact whatever laws are necessary to ensure non-discrimination in the exercise and enjoyment of various fundamental human rights. To leave no doubt what these rights are, the Convention contains a long list of basic civil, political, economic, social and cultural rights. The list includes all the rights that the Universal Declaration and the two Covenants proclaim.

The Convention does not only outlaw racial discrimination by governmental authorities, but also requires "each State Party [to] prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any person, group or organization." (Art. 2(1)(d).) This provision seems to impose a stricter standard with regard to discriminatory practices of private individuals and groups than does current U.S. civil rights legislation. Moreover, the Convention permits states to take

> Special measures . . . for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved. (Art. 1(4).)

Under this provision temporary affirmative action programs and preferential quota systems for various minority groups would be lawful, provided they are designed to remedy the consequences of past racial discrimination and did not in fact foster other forms of racial discrimination.

The enforcement machinery of the Convention consists of a Committee on the Elimination of Racial Discrimination whose powers are more extensive than those that the Covenant on Civil and Political Rights confers on the Human Rights Committee.[15] The Committee on the Elimination of Racial Discrimination consists of 18 individuals who are elected by the States Parties but serve in their individual capacities. It has jurisdiction to hear complaints by one state that another state is not complying with its obligations under the Convention. The Committee may also deal with individual petitions whenever the state involved has recognized the right of private petitions. In addition, all States Parties must submit extensive reports to the Committee "on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions" of the Convention. (Art. 9.) The Committee, in turn, reports its findings and suggestions to the States Parties and to the UN General Assembly. Unlike the Covenants, the Convention also provides for adjudication by the International Court of Justice of disputes between the States Parties. The relevant provision is Article 22, which reads as follows:

> Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

By ratifying the Convention, a state is deemed to have accepted the jurisdiction of the International Court of Justice to decide disputes relating to that treaty. It should be noted, however, that many countries, notably those belonging to the Soviet bloc and various Afro-Asian nations, have ratified the Convention with a reservation to Article 22. This action nullifies the effect of Article 22 and prevents other states from suing the reserving states without their express consent; for all practical purposes, it also gives them a permanent immunity from suit.

C. UNESCO Convention and Recommendation against Discrimination in Education

The Convention against Discrimination in Education was adopted by the UNESCO General Conference in 1960 and entered into force in 1962. To date it has been ratified by about 70 countries. The Convention had its origin in a UN *Study of Discrimination in Education*. Published in 1957 by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, this report emphasized the need for international action to combat discrimination in education.[16]

The UNESCO Convention is much broader in scope than the UN Racial Convention, which deals only with racial discrimination. The UNESCO instrument, in contrast, seeks to eradicate discrimination in education whether it be based on "race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth." (Art. 1(1).) States ratifying the UNESCO Convention have an obligation not only to do away with discriminatory legal rules and administrative practices but must also take whatever measures are necessary to promote equality of opportunity and treatment in education.

A provision of particular importance is Article 5(1)(a). It reads as follows:

> Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

The reader will recognize that this provision corresponds, word for word, to the text of Article 26(2) of the Universal Declaration of Human Rights, and to the "Guiding Principles" of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms. This statement consequently reflects the most widely accepted formulation of what the international community regards as the principal goal of education.

UNESCO Member States who are not parties to the Convention nevertheless have an obligation to make a *bona fide* effort to give effect to its provisions. This obligation was imposed upon them in the UNESCO Recommendation against Discrimination in Education,[17] which was promulgated by the UNESCO General Conference at the same time it adopted the Convention. The substantive provisions of both instruments are identical except that, whereas the Convention requires the States Parties to conform thereto, the Recommendation merely suggests that they do so. Why UNESCO decided to have both a Convention and Recommendation on the subject of discrimination in education was explained as follows by the UNESCO Director-General:

> There was no original intention of formulating a Recommendation, but at the tenth session of the General Conference of UNESCO a number of countries remarked that their federal structure would render difficult, and considerably delay, their ratification of a Convention concerned with a matter — education — which in their countries was reserved for the provincial [local] authorities.
>
> The same countries, on the other hand, stated that the application of a Recommendation would not raise the same problems, and in these circumstances the General Conference decided to formulate two separate instruments of different legal bearing [sic] against discrimination in education.[18]

Unlike the Convention, however, the Recommendation is not a treaty and consequently does not impose on a state a legal obligation to comply with its provisions.

The UNESCO Convention against Discrimination in Education requires the States Parties to submit periodic reports to the UNESCO General Conference. These reports must contain "information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application" of the Convention. (Art. 7.) To implement this provision, UNESCO has from time to time requested the Member States to prepare reports responding to detailed questionnaires concerning the application of the Convention.[19] UNESCO Member States that have not ratified the Convention have an obligation to prepare similar reports relating to their efforts to act on the Recommendation against Discrimination in Education.[20] Both sets of reports are reviewed and summarized by the UNESCO Committee on Conventions and Recommendations in Education. Its findings are submitted to the UNESCO Executive Board and through it to the General Conference, which adopts a general resolution addressing the issues that the reports raise.[21]

To supplement this very weak reporting system, the UNESCO General Conference in 1962 adopted the "Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any dispute which may arise between States Parties to the Convention against Discrimination in Education." The Protocol entered into force in 1968 and to date has been ratified by some twenty-five countries. The Commission established by it consists of eleven experts serving in their individual capacities. They are elected by the UNESCO General Conference from a list of candidates nominated by the States Parties to the Protocol.

The Protocol enables a Contracting Party to file a complaint with the Commission, charging that another Contracting State is not living up to its obligations under the UNESCO Convention against Discrimination in Education. If the matter is not satisfactorily resolved by the parties, the Commission must draw up "a report on the facts and indicate the recommendations which it made [to the parties] with a view to conciliation." (Protocol, Art. 17(3).) The Commission may also recommend to UNESCO that it seek an advisory opinion from the International Court of Justice on any disputed question of law bearing on the controversy. But neither the findings of the Commission nor the advisory opinion of the Court is binding on the States Parties.

D. Declaration on the Elimination of Discrimination against Women

This instrument was adopted unanimously by the UN General Assembly in 1967. It was motivated by the concern, expressed in the preamble to the Declaration, that "despite the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of the United Nations and the specialized agencies and despite the progress made in the matter of equality of rights, *there continues to exist considerable discrimination against women*." (Emphasis added) The preamble accordingly emphasizes the need "to ensure the universal recognition in law and in fact of the principle of equality of men and women."

The Declaration proclaims the right of women to the enjoyment of various fundamental human rights on equal terms with men and to equality of treatment before the law.[22] Special emphasis is placed on political rights, nationality, civil rights, the abolition of discriminatory penal legislation, traffic in women for immoral purposes, and equality in educational opportunities, as well as economic and social rights. The Declaration also expressly provides that "the principle of equality of rights shall be embodied in the constitution or otherwise guaranteed by law." (Art. 2(a).) The relevance of this provision to the current U.S. debate about the need for an Equal Rights Amendment to the U.S. Constitution is obvious.

The Declaration is not a treaty and it was adopted in the form of a non-binding UN General Assembly resolution. It must be remembered, however, that Member States of the UN have in the UN Charter assumed the legal obligation to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to . . . sex . . . ." (UN Charter, Arts. 55(c) and 56.) The Declaration may therefore be viewed as an authoritive Charter interpretation or clarification by the UN Member States of their obligations to ensure equality of rights of men and women. Moreover, as an official UN publication emphasizes, "the Declaration restates and consolidates a series of principles, many of which [are] embodied in earlier international instruments emanating from the United Nations and the specialized agencies."[23] It should also be noted that the "World Plan of Action," which was adopted at the UN-sponsored 1975 World Conference of the International Women's Year in Mexico City, is an attempt to begin implementing the principles that the Declaration proclaims.[24]

E. Declaration of the Rights of the Child

The Declaration of the Rights of the Child was proclaimed by the UN General Assembly in 1959. Unlike the human rights instruments discussed thus far, the Declaration is addressed not only to governments but also to individuals, voluntary organizations and local authorities, all of whom, of course, affect the lives and rights of children.

The Declaration proclaims ten principles that are to serve as guides in promoting the well being of the child "to the end that he may have a happy childhood and enjoy for his own good and for the good of society" certain fundamental rights. These principles proscribe discriminatory treatment in all its forms, including distinctions based on race, color, religion, sex, national or social origin, property or birth. Other principles establish the rights of children to a name and nationality; to education, social security and health care; to protection from neglect, cruelty and exploitation. Principle 5 declares that children who are "physically, mentally or socially handicapped" shall be given "the special treatment, education and care" that their particular condition demands. And Principle 6, after asserting that "the child, for the full and harmonious development of his personality, needs love and understanding," imposes on "society and the public authorities . . . the duty to extend particular care to children without a family and to those without adequate means of support."

The provisions of Principle 10 deserve special attention. They declare that children "shall be protected from practices" which foster racial, religious and other forms of discrimination, and call on society to bring up children "in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood. . . ." These principles were developed in much greater detail in the "Declaration on the Promotion among Youth of the Ideas of Peace, Mutual Respect and Understanding between Peoples," which was adopted by the UN General Assembly in 1965. They are also reflected in the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-Operation and Peace and Education relating to Human Rights and Fundamental Freedoms.

IV. CONCLUSION

Space limitations have allowed us to discuss only a small number of existing international human rights instruments. But this chapter would be incomplete if the reader were not at least made aware of the fact that the International Labor Organization has over the years adopted numerous conventions and recommendations relating to trade union and worker rights. The following are among the principal ILO conventions dealing with important human rights matters: Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation (1958); Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951); Convention (No.87) concerning Freedom of Association and Protection of the Rights to Organize (1948); and Convention (No. 98) concerning the Application of the Principle of the Right to Organize and to Bargain Collectively (1949).[25]

Another area bearing significantly on international human rights that should not be overlooked is usually subsumed under the heading of humanitarian law. This is the branch of international law that has been developed to provide rules designed for the protection of combatants and civilians during military conflicts. The best known treaties dealing with this subject are the Geneva Conventions of 1949. They consist of the following four instruments: Convention for the Protection of War Victims; Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea; and Convention relative to the Protection of Civilian Persons in Time of War.[26] It is seldom realized, but certainly worth emphasizing,that these treaties, having been ratified by almost every nation in the world, are the most widely accepted international human rights instruments in existence today.[27]

Not to be forgotten, in this context, are regional human rights instruments. The major ones are the European Convention of Human Rights and the American Declaration on the Rights and Duties of Man; they will be analyzed in the next chapter.

What, if anything, do all of these international and regional human rights instruments add up to? The answer, it is submitted, is that their adoption by the

UN, its specialized agencies, and the regional governmental organizations reflects the surprisingly broad consensus that exists in the world regarding the meaning or definition of basic human rights. This does not mean, of course, that most of these rights are respected by all or even a majority of governments, or that the massive denials of human rights being committed in various parts of the world will come to an end in the near future. It does mean, however, that despite existing ideological, national and cultural barriers, the nations of the world have been able to agree, at least in principle, on the way that human beings everywhere should and should not be treated. This is an important and indispensable first step towards the actual realization of these rights. The next step — to transform principle into practice — is of course much more difficult. But the existence of a broadly-based international consensus on the meaning of human rights greatly facilitates the task. It helps arouse international public opinion against violations of human rights. And when all is said and done, this may well be the only remedy in today's world against governmental violations of human rights.

Chapter Three: FOOTNOTES

1. See, *e.g.*, UNESCO, *Human Rights. Comments and Interpretations* (Columbia U. Press, 1949); M. Cranston, *What Are Human Rights?* (New York: Tapplinger Press, 1973); D.D. Raphael (ed), *Political Theory and the Rights of Man* (Indiana U. Press, 1967); F. Vallat (ed), *An Introduction to the Study of Human Rights* (London: Europa Publications, 1970).

2. UNESCO Recommendation, para. 3.

3. See generally, E. Schwelb, *Human Rights and the International Community: The Roots and Growth of the Universal Declaration of Human Rights, 1948-1963* (Chicago: Quadrangle Books, 1964); L.B. Sohn, "A Short History of United Nations Documents on Human Rights," in *United Nations and Human Rights*, p. 39, at pp. 71-73 (18th Report of the Commission to Study the Organization of Peace, New York, 1968); A.H. Robertson, *Human Rights in the World*, pp. 25-28 (Manchester Univ. Press, 1972); L.B. Sohn & T. Buergenthal, *International Protection of Human Rights*, pp. 518-22 (Bobbs-Merrill Co., 1973).

4. The Proclamation of Teheran is reproduced in the official publication *Human Rights: A Compilation of International Instruments of the United Nations*, pp. 18-19 (U.N. Publ. Sales No. E.73.XIV.2, 1973). The text can also be found in L.B. Sohn and T. Buergenthal, *Basic Documents on International Protection of Human Rights*, pp. 65-69 (Bobbs-Merrill Co., 1973).

5. See UN Secretariat, *United Nations Action in the Field of Human Rights*, pp. 9-15 (U.N. Publ. Sales No. E.74.XIV.2, 1974).

6. Quoted in J. Carey, *UN Protection of Civil and Political Rights*, p. 13, n. 18 (Syracuse Univ. Press, 1970).

7. *UN Economic and Social Council, Official Records, 13th Sess.*, pp. 406-7 (1951), quoted in Sohn, *supra* note 3, at p. 106.

8. See Article 2 of the Covenant on Civil and Political Rights.

9. Article 2(1) of the Covenant on Economic, Social and Cultural Rights.

10. Part VI (Arts. 16-25) of the Covenant deals with the so-called "measures of implementation," that is, the procedures or machinery for the international supervision of the rights that it guarantees.

11. The relevant provisions are set out in Part IV (Arts. 28-45) of the Covenant on Civil and Political Rights.

11a. See, *e.g.*, the testimony of Martin Ennals, Secretary General of Amnesty International, before hearings of the House Subcommittee on International Organizations and Movements, *International Protection of Human Rights: The Work of International Organizations and the Role of U.S. Foreign Policy*, pp. 252-58 (U.S. Gov't Printing Office, 1974). See also the testimony on the same subject by Niall MacDermot, Secretary General of the International Commission of Jurists, *id.* at pp. 2-29.

11b. The Optional Protocol provides in Article 9(2) that it shall enter into force only after ten States ratified it and if the Covenant on Civil and Political Rights is also in force. When that Covenant entered into force on March 23, 1976, twelve States had already ratified the Optional Protocol, thus bringing it into effect.

12. The modern concept of genocide can be traced to a book by R. Lemkin, *Axis Rule in Occupied Europe*, pp. 79-95 (Washington, D.C., 1944). Professor Lemkin, more than any other individual, deserves most of the credit for promoting the idea of a treaty outlawing genocide and for bringing about the adoption of the Genocide Convention. See generally, R. Lemkin, "Genocide as a Crime under International Law," *American Journal of International Law*, vol. 41, p. 145 (1947); N. Robinson, *The Genocide Convention: Its Origin and Interpretation* (New York, 1949).

13. UN Charter, Art. 94.

14. E. Schwelb, "The International Convention on the Elimination of All Forms of Racial

Discrimination," *International & Comparative Law Quarterly*, vol. 15, p. 996, at p. 1057 (1966). On the Racial Convention generally, see Sohn & Buergenthal, *supra* note 3, at p. 856.

15. See discussion on pp. 53-55 *supra*.

16. See Charles D. Ammoun, *Study of Discrimination in Education*, (UN Publ. Sales No. 57.XIV.3, 1957).

17. The UNESCO Recommendation against Discrimination in Education was adopted on December 11, 1960. UNESCO, *Records of the General Conference, Eleventh Session, Paris, 1960, Resolutions*, p. 123.

18. UNESCO Director-General, *Activities of UNESCO in Connexion with the Promotion of Human Rights*, UN Doc. A/Conf. 32/10, p. 38 (1968).

19. On the operation of this system, see *id.* at pp. 17-18.

20. The U.S., not being a party to the Convention, has to complete the reports relating to the Recommendation. For the very informative U.S. report, see U.S. Department of Health, Education and Welfare, *United States Report to the Questionnaire on Implementation of the UNESCO Recommendation on Discrimination in Education: 1965-1971* (mimeo, Sept. 15, 1971).

21. See UNESCO General Conference, Res. 31.1 of 17 November 1972, *Records of the General Conference*, 17th Sess., vol. I, pp. 154-55 (1972), UNESCO General Conference, Res. 35.1 of 20 November 1974, *id.*, 18th Sess., vol. I, pp. 139-42 (1974).

22. For an analysis of the Declaration, see U.N. Office of Public Information, *Equal Rights for Women — A Call for Action: The United Nations Declaration on Discrimination against Women* (1973).

23. *United Nations Action on the Field of Human Rights*, *supra* note 5, at p. 50. See, in this connection, the very valuable analysis of current international legal policies relating to sex-based discrimination by M. McDougal, H. Lasswell & L. Chen, "Human Rights for Women and World Public Opinion: The Outlawing of Sex-Based Discrimination," *American Journal of International Law*, vol. 69, p. 497 (1975).

24. See J. Klemesrud, "A Plan to Improve Status of Women Approved at Parley," *New York Times*, July 3, 1975, p. 1, col. 4. For excerpts from the text of the Action plan, see *id.* p. 8.

25. The treaties are reproduced in *Human Rights: A Compilation of International Instruments of the United Nations*, *supra* note 4. On the human rights work of the ILO, see C.W. Jenks, *Human Rights and International Labour Standards* (New York: Frederick A. Praeger, Inc., 1960); I.L.O. Director-General, *The I.L.O. and Human Rights* (Report presented by the International Labour Organization to the International Conference on Human Rights, 1968); E.A. Landy, *The Effectiveness of International Supervision: Thirty Years of I.L.O. Experience* (Dobbs Ferry, N.Y.: Oceana Publications Inc., 1966).

26. The texts of these treaties are reproduced in *United Nations Treaty Series*, vol. 75, 1950.

27. Generally on this subject, see *United Nations Action in the Field of Human Rights*, *supra* note 5, at pp. 110-17; A.H. Robertson, *Human Rights in the World*, pp. 162-184 (1972); J. Pictet, *Humanitarian Law and the Protection of War Victims* (Leyden: A.W. Sijthoff, 1975). Other works of interest are T. Farer, *The Law of War 25 Years After Nuremberg* (Int'l Conciliation, No. 583, 1971); and T. Taylor, *Nuremberg and Vietnam: An American Tragedy* (Chicago: Quadrangle Press, 1970). The U.S. Government codification of humanitarian law is found in U.S. Department of the Army, *The Law of Land Warfare* (Field Manual 27-10, 1956), which can be purchased from the U.S. Government Printing Office.

CHAPTER FOUR

International and Regional Systems for the Protection of Human Rights

I. INTRODUCTION

In the preceding chapter we discussed the major human rights instruments of the UN and UNESCO. Some of them, notably the Covenants, the Racial Convention and the UNESCO Convention against Discrimination in Education, provide for international controls designed either to monitor compliance by governments with their obligations under these instruments or to prod them into doing so. These controls consist for the most part of reporting procedures of one type or another. And, as we have seen, the few instruments that envisage some form of adjudication or mediation are either not yet in force or give only governments, but seldom individuals, the right to file complaints.

But some more promising developments are also taking place. First, two regional organizations — the Council of Europe and the Organization of American States — maintain permanent institutions for the protection of human rights. Second, the International Labor Organization — a specialized agency of the UN — has developed an international machinery to protect trade union and worker rights.[1] Third, the UN recently established a formal procedure that makes it possible for individuals and private groups to bring complaints documenting allegations of large-scale violations of human rights to the attention of the UN.

These institutions and systems for the protection of human rights, particularly the regional systems, comprise the most advanced international human rights machinery in existence today. Unless we study these systems, we cannot hope to understand what has thus far been achieved in the international human rights field, what is possible, and what remains to be done. Since space does not permit us to discuss all international and regional institutions and techniques for the protection of human rights, we shall attempt to describe only the European and inter-American systems, and the procedures for dealing with gross violations of human rights that the UN has developed in recent years.

II. THE EUROPEAN CONVENTION OF HUMAN RIGHTS

The European Convention of Human Rights is generally regarded as the most advanced international system for the protection of human rights in existence today. The Convention established a European Court of Human Rights and a European Commission of Human Rights. These institutions have the power to try and decide cases brought by individuals against governments, to award damages and to order governments to take appropriate remedial action. Approximately 500 complaints are received and decided annually by these bodies. The major opinions of the Court and Commission are published in the *Yearbook of the European Convention on Human Rights;* thus far eighteen volumes of this publication have been issued.[2]

The European Convention of Human Rights is a treaty that was drawn up within the framework of the Council of Europe. The Council of Europe is a regional organization of democratic Western European countries which was established in 1949 to promote European unity. The following nations are members of the Council of Europe and parties to the European Convention of Human Rights: Austria, Belgium, Cyprus, Denmark, Federal Republic of Germany, France, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, the Netherlands, Norway, Sweden, Switzerland, Turkey and the United Kingdom.[3] In adopting the Convention, as the preamble explains, these states resolved "as governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration [of Human Rights]."[4]

The Convention entered into force in 1953. Since then five Protocols have been concluded which supplement the Convention by guaranteeing additional rights not included in the original instrument.

A. *Rights Guaranteed by the Convention*

The Convention guarantees the right to life, the right not to be tortured, or to be subjected to inhuman or degrading treatment. It outlaws slavery as well as arbitrary arrest and detention, and it proclaims the right to a fair and public trial. In addition to prohibiting *ex post facto* laws and penalties, the Convention protects the individual in his private and family life, it accords him freedom of thought, conscience and religion, freedom of expression, and the right to peaceful assembly. It assures to men and women of marriageable age the right to marry and found a family.

The Protocols add the right to the peaceful enjoyment of one's possessions and the right to education. They contain a pledge by the Contracting Parties to hold free and secret elections, and they outlaw imprisonment for non-payment of contractual debts. The Protocols also guarantee the right of individuals to leave any country, including their own, and to enter the countries whose nationals they are.

Pursuant to Article 14 of the Convention, which also applies to the Protocols, the enjoyment of all the rights enumerated in these instruments must be secured without discrimination based on "sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." Moreover, in Article 1 of the Convention, the Contracting States undertake to secure the rights it guarantees "to everyone within their jurisdiction." The Convention consequently protects all individuals in these countries, nationals and foreigners alike. This means, for example, that an American living in or visiting any of the countries whose governments have ratified the Convention is protected by the Convention.[6]

B. Enforcement of the Convention

To ensure that the rights which the Convention guarantees are in fact enforced, the Convention establishes an international control system that consists of the European Commission of Human Rights and the European Court of Human Rights.

The membership of the Commission is equal in size to the number of states that have ratified the Convention. Today the Commission consequently consists of 18 members. They serve in their individual capacity and not as representatives of any government.

The Commission performs quasi-judicial, investigatory and conciliatory functions. It exercises these functions in two types of cases. The first are so-called inter-state complaints, that is, suits instituted by one State Party against another charging violation of the Convention. By ratifying the Convention, a state automatically recognizes the right of the Commission to deal with these cases. This is not true of the second category of cases, namely, individual petitions. Here the Convention provides that the Commission may only deal with an individual petition if the state against which the complaint is lodged has filed a separate declaration recognizing the right of private petition. Of the 18 States Parties to the Convention, 13 now recognize this right; only five countries — Cyprus, France, Greece, Malta, and Turkey — have thus far failed to do so. An individual petition charging one of these five countries with a violation of the Convention will consequently have to be dismissed by the Commission as inadmissible. But an inter-state communication containing the same charges will be admissible.

In dealing with both individual and inter-state complaints, the Commission performs five specific tasks. First, it screens all complaints to determine whether they meet the various legal requirements prescribed by the Convention for their admissibility. Second, it investigates and examines the complaints that were ruled admissible. Third, if the facts ascertained by the Commission reveal that a violation of the Convention has taken place, the Commission attempts to negotiate a friendly settlement of the dispute. Fourth, if no settlement is reached, the Commission prepares a report containing its findings of fact and its legal conclusions. Fifth, in certain cases to be discussed below, the Commission may submit the dispute for final adjudication to the European Court of Human Rights.

A dispute that has not been settled amicably by the Commission must be decided either by the European Court of Human Rights or by the Committee of Ministers of the Council of Europe. The decisions of either of these bodies are final and legally binding on the States Parties to the dispute.

The Court consists of 18 judges.[7] It has jurisdiction to decide only those cases that involve states which have recognized the jurisdiction of the Court. To date 14 out of the 18 States Parties to the Convention have done so; only Cyprus, Greece, Malta and Turkey have not recognized the jurisdiction of the Court. A dispute involving the remaining 14 states may be referred to the Court either by one of these states or by the Commission. Individuals do not, however, have the right to appeal their case directly to the Court; they have to go through the Commission or another state.

Cases that have not or cannot be appealed to the Court must be decided by the Committee of Ministers of the Council of Europe. Unlike the Court and the Commission, the Committee of Ministers is a political organ consisting of the foreign ministers of the Member States of the Council of Europe. While as a matter of principle this is hardly a proper body to adjudicate violations of human rights, the Committee of Ministers has thus far nearly always accepted the findings and recommendations of the Commission.

C. The Uniqueness of the Convention

The Convention is unique among existing international arrangements for the protection of human rights in that it establishes an international procedure for impartial quasi-judicial (the Commission) and judicial (the Court) investigation and adjudication of claims by individuals alleging violations of human rights. Moreover, despite the applicable restrictions on the right of individuals to be heard by the Commission and the Court, the Convention system has worked surprisingly well.

The restrictions that the Convention imposes on individual applications and on the jurisdiction of the Court are explained by the fact that even the democratic states of Western Europe were initially unwilling to conclude a treaty giving individuals an automatic right of appeal to an international tribunal. This reluctance to move too rapidly in yielding prerogatives of national sovereignty explains, of course, why the right of private petition to the Commission and the jurisdiction of the Court were made optional. It is most encouraging, however, that over the years such a significant majority of these states has subsequently voluntarily recognized the right of private petition and the jurisdiction of the Court.

The Court and the Commission, although initially proceeding with considerable caution, have in the last decade vigorously and effectively discharged their responsibilities. The Court has on a number of occasions found governments guilty of violating the Convention and has ordered them to pay damages to the individual claimants; these orders have been complied with in each instance. Among these countries were Austria, Belgium and the United Kingdom. The Commission has also negotiated friendly settlements with governments and obtained payments of compensation for wronged individuals. More important in the long run is the fact that the Commission has been quite successful in getting governments to revise domestic laws that conflicted with the Convention. This has been done by Austria, Belgium, Federal Republic of Germany, Norway and the United Kingdom.

The provisions of the Convention are treated as directly applicable rules of law in many national courts of the Contracting States. As a matter of fact, in some countries, among them the Netherlands, Austria, Belgium and Luxembourg, the Convention enjoys a higher normative rank than most laws, which means that if there is a conflict between these laws and the Convention, the courts have to enforce the Convention. [8]

The most dramatic setback suffered by the European Convention system was the 1967 Greek military *coup* which resulted in massive human rights violations in that country. Denmark, the Netherlands, Norway and Sweden immediately instituted proceedings before the Commission seeking to compel the new Greek regime to live up to that nation's obligation under the Convention. For a while Greece participated in the proceedings and cooperated with the Commission, which was actually allowed to visit the country and examine witnesses. But once it became clear that the Commission would find the military regime in violation of Greece's obligation under the Convention, all cooperation ceased. When in 1969 the Committee of Ministers of the Council of Europe decided to suspend Greece from membership in the Council of Europe, that country formally withdrew from the Council of Europe and from the European Convention. The new Greek government, which took office after the military regime was overthrown, rejoined the Council of Europe in 1975 and reratified the Convention.

All in all, however, the European Convention of Human Rights is a highly promising experiment that could serve as a model for other regions of the world. But it would be a mistake not to recognize that it has worked primarily because it applies to countries having a long libertarian tradition, democratic regimes and substantial economic, social and political stability. Few regions of the world approximate Western Europe in this regard. It may consequently take quite a long time for a similar system to be duplicated elsewhere.

III. HUMAN RIGHTS IN THE INTER-AMERICAN SYSTEM

The inter-American system for the protection of human rights is by no means as advanced or effective as that established under the European Convention of Human Rights. This should not surprise anyone familiar with the political realities of the Western Hemisphere and the fact that Latin America in particular seems to be a very fertile breeding ground for left wing and right wing dictatorships. That an inter-American system for the protection of human rights actually exists within the framework of the Organization of American States and that it can point to some achievements is consequently a significant accomplishment. [9]

A. Human Rights and the OAS

The Organization of American States is a regional intergovernmental organization whose membership comprises most nations in the Western Hemisphere, including the U.S. but not Canada. The OAS Charter, its constitution, was drawn up in 1948 and extensively revised in 1967. The present OAS Charter declares in Article 3(j) that "the American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex." The Charter lists the "Inter-American Commission on Human Rights" as one of the organs of the OAS and declares that its "principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the organization in these matters." (OAS Charter, Arts. 112 and 51). The Charter further provides that the "present" Inter-American Commission on Human Rights shall discharge these functions "until the inter-American convention on human rights . . . enters into force." (OAS Charter, Art. 112). Such a treaty was in fact drawn up in 1969. It has not as yet entered into force because only two countries — Costa Rica and Columbia — have thus far been willing to ratify it. [10]

The "present" Inter-American Commission on Human Rights was established in 1960 as an "autonomous entity" of the OAS. Its structure and powers were set out in its "Statute" or constitution which was adopted by the OAS Council. The Statute established a seven-member Commission, consisting of "persons of high moral character and recognized competence in the field of human rights." (Statute, Art. 3). The function of the Commission was "to promote respect for human rights." (Statute, Art. 1). These were defined as the rights "set forth in the American Declaration of the Rights and Duties of Man." (Statute, Art. 2).

The American Declaration of the Rights and Duties of Man was proclaimed in 1948 by the Ninth Inter-American Conference of American States. That conference also adopted the OAS Charter. But unlike the OAS Charter, which was drawn up as a treaty to be ratified by the nations of the Western Hemisphere, the American Declaration was embodied in a non-binding conference recommendation. But when the OAS established the Inter-American Commission of Human Rights in 1960 and charged it with the task of promoting the human rights that the American Declaration proclaims, it ushered in a process whereby that instrument gradually acquired a legal status within the OAS framework comparable to that enjoyed within the UN system by the Universal Declaration. [11] Today the American Declaration is deemed to define the rights that the American States proclaim in Article 3(j) of the OAS Charter as the "fundamental rights of the individual." [12]

The rights proclaimed in the American Declaration do not differ significantly from those found in the Universal Declaration. However, unlike the latter instrument, the American Declaration also contains a catalog of duties that each individual is under an obligation to discharge.

B. Activities of the Inter-American Commission on Human Rights

Since its establishment in 1960, the Inter-American Commission on Human Rights has been gradually transformed from an organ ostensibly charged only with the task of preparing studies and promotional materials to an institution that has successfully asserted the power to investigate charges of human rights violations by various American republics. In some instances, the Commission has been quite effective in deterring or putting an end to such violations. Not surprisingly, it has also failed in other cases.

The Commission discharges its functions through country studies, on-the-spot visiting missions, and by acting on individual complaints.

1. Country Studies and Visiting Missions

The Commission undertakes so-called country studies whenever it concludes, as a result of reports received by it, that large-scale violations of human rights may be occurring in an American republic. In these cases, the Commission embarks upon an investigation of the facts, it hears witnesses, receives depositions and seeks explanations and remedial measures from the government involved. Brazil, Cuba, Haiti and the Dominican Republic, among others, have been the subject of such country studies.

In conjunction with its country studies, the Commission often attempts to obtain permission from the state involved to visit the country. Some states, notably Brazil, Cuba and Haiti, have not allowed the Commission to enter; others — Chile, the Dominican Republic, Honduras and El Salvador, for example — have admitted the Commission to investigate charges of violation of human rights.

The Commission can also be invited by a government or the OAS to dispatch visiting missions to certain countries to carry out on-the-spot investigations. Some of these missions have proved to be extremely effective. For example, during the 1965 civil war in the Dominican Republic, the Commission, at the invitation of both sides to the conflict, dispatched a visiting mission to that country. While in the Dominican Republic, the Commission was able to save many lives, it obtained the release of hundreds of prisoners being held by both sides, and in numerous other ways provided valuable humanitarian assistance. As a result of its impressive performance the Commission was subsequently invited to supervise the elections in the Dominican Republic.[13] During the 1969-70 hostilities between Honduras and El Salvador the Commission carried out on-the-spot investigations in the war zone. Here too it was able to discharge important humanitarian functions and contributed to a reduction in the overall level of violence.[14]

When the Allende government was overthrown in Chile in the fall of 1973, the Commission began to receive numerous communications charging the new military regime with large-scale violations of human rights. The Commission thereupon began an investigation of these charges and requested Chile's permission to send a visiting mission to that country. The Commission was eventually allowed to enter Chile in the summer of 1974. Based on its investigation of conditions in Chile, the Commission concluded that the military regime was guilty of massive violations of human rights and published an extensive report documenting these charges.[15] The findings of the Commission and Chile's failure to take the remedial measures that the Commission proposed were subsequently cited by the U.S. Congress to justify cutting off military aid to Chile.[16]

2. *Individual Complaints*

Until 1965 the Commission lacked a legal mandate to act on petitions by individuals charging violations of human rights. In that year, after persistent lobbying by the Commission, it was authorized to deal with individual communications alleging violations of Articles I-IV, XVIII, XXV, and XXVI of the American Declaration of the Rights and Duties of Man. These provisions guarantee the rights to life, liberty, and personal security (Art. I); equality before the law (Art. II); freedom of religion (Art. III); freedom of expression (Art. IV); a fair trial (Art. XVIII); freedom from arbitrary arrest (Art. XXV); and due process of law (Art. XXVI).[17]

Since it was first empowered to deal with private communications, the Commission has received approximately 50 to 100 petitions annually that alleged large-scale denials of human rights as well as individual violations. In dealing with these petitions, the Commission attempts to ascertain the facts in the case by calling on the governments and individuals involved to provide whatever evidence the Commission requests. Under its rules of procedure, the Commission has the power to presume the truth of an individual's allegations whenever the accused government fails within a period of 180 days to supply the information that the Commission has requested from it. If the Commission determines that a government has in fact committed a violation of human rights, it addresses its findings to that government together with its recommendations regarding appropriate remedial measures.

3. *Implementation and Effectiveness of Commission Decisions*

The Commission has at its disposal only two methods to obtain governmental compliance with its decisions: it may transmit its findings to the principal political organs of the OAS (the OAS Council and General Assembly) and it may publish its reports and findings. Although the political organs of the OAS have the power to impose various sanctions against non-complying Member States, they have thus far failed to make a serious effort to support the Commission. It remains to be seen whether the recent U.S. decision to press these bodies for a formal discussion of the Commission's reports, which is an important step forward, will result in a change of policy on the part of these OAS organs.[18]

As far as the publication of the Commission's findings are concerned, it is difficult to say what effect the threat of this action has on various governments.

Governments often go to great lengths to prevent the publication of these reports; once they are published, expensive press campaigns are sometimes mounted to refute the charges. This would suggest that at least some governments view the publication of an adverse Commission report as a serious matter. The threat of publication may in certain cases therefore deter future violations or improve over-all conditions in a country. One possible explaantion may be that the Commission's status immunizes it against the charge that its findings are propaganda, which facilitates efforts to mobilize domestic and international public opinion against a government's activities. It is quite clear, however, that the Commission needs the strong support of the political organs of the OAS in order to have a significant and lasting impact on conditions in the Western Hemisphere.

IV. THE UN COMMISSION ON HUMAN RIGHTS

A. *The UN Human Rights System*

It is often not realized that the UN Charter itself provides the legal foundation upon which a universal system for the protection of human rights can be built. That it is still in a primitive stage is not due to the absence of an adequate legal basis or institutional framework needed for the establishment of such a system. What has been lacking is the willingness of UN Member States to permit this system to exist and grow.

The needed law, as we have seen in the preceding chapter, is to be found in the human rights provisions of the UN Charter and the human rights instruments that have been adopted under the Charter. The basis for an institutional framework is provided by Article 68 of the UN Charter, which mandates the establishment of a commission "for the promotion of human rights."

The UN Commission of Human Rights has in the past few years developed a rudimentary system for dealing with human rights violations. Although only these developments will be analyzed in the pages that follow, it should be remembered that all UN organs, including in particular the General Assembly, Security Council, Economic and Social Council, Commission on the Status of Women, Trusteeship Council and Secretariat, deal with human rights matters. They may be viewed as components of a single UN system for the protection of human rights. This system also embraces the institutions established under various UN human rights instruments, notably under the Covenant on Civil and Political Rights and the Racial Convention.

B. *The UN Commission on Human Rights: The First Twenty Years*

The UN Commission on Human Rights was established in 1946 as a subsidiary organ of the UN Economic and Social Council (ECOSOC).[19] Its membership has been periodically increased to keep up with the expansion of the UN and it now consists of 32 representatives. Although it had been originally hoped that the Commission members would serve in their individual capacities, the states represented in ECOSOC found this proposal unacceptable and determined that the Commission be composed of government delegates. The individuals who serve on the Commission must as a result vote and act in accordance with the instructions of their governments rather than as impartial human rights experts.

Under a formula adopted by ECOSOC, the Commission currently consists of government representatives from the following geographic regions: eight members from African states, six from Asian states, six from Latin American states, eight from Western European and other states, and four from the socialist states of Eastern Europe. The U.S. and Canada are included in the "Western European and other states" group.

The terms of reference of the Commission, as originally approved by ECOSOC, read as follows:

> The work of the Commission shall be directed towards submitting proposals, recommendations and reports to the Council [ECOSOC] regarding:
>
> (a) an international bill of rights;
>
> (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters;
>
> (c) the protection of minorities;
>
> (d) the prevention of discrimination on grounds of race, sex, language or religion;
>
> (e) any other matter concerning human rights not covered by items (a), (b), (c) and (d).[20]

This language, particularly subparagraph (e), was sufficiently broad to permit the Commission to submit to ECOSOC reports dealing with violations of human rights. But the Commission chose not to avail itself of this opportunity. Instead, it decided at its first session in 1947 that it lacked the power to act on complaints charging violations of human rights. ECOSOC ruled on this issue in Resolution 75(V) of August 5, 1947 by "approving" the Commission's conclusion that it "has no power to take any action in regard to any complaints concerning human rights." Resolution 75(V) was formally reaffirmed by ECOSOC Resolution 728F (XXVII) of July 30, 1959.

Until this policy was reversed a few years ago, the Commission proceeded on the assumption that it lacked the power to discuss any of the 20,000 to 30,000 complaints charging violations of human rights and pleas for help that are received annually by the UN. Instead, the Commission devoted most of its energies to drafting the Universal Declaration, the Covenants and other human rights instruments, and to reviewing the reports and studies of its Sub-Commission on Prevention of Discrimination and Protection of Minorities.

While the Commission was performing these functions, numerous large-scale violations of human rights were being committed in many parts of the world. From time to time some of these events would arouse public opinion sufficiently to prompt one or more governments to complain to the UN General

Assembly or Security Council. Among the complaints dealt with in this manner were the policies of racial discrimination and *apartheid* being practiced in South Africa and Rhodesia; Soviet slave labor camps; and the violations of human rights that occurred in Tibet, South Vietnam, Hungary, in various colonial territories, and during major civil and military conflicts.

Whether or not one believes that the actions of the UN General Assembly and Security Council had a beneficial effect in any of these cases, it is clear that they had important legal consequences. The ever-increasing number of human rights debates in and resolutions of the General Assembly and Security Council refuted the claim that human rights were within the domestic jurisdiction of the UN Member States and consequently could not be dealt with by the UN.[21]

This was the very claim, of course, that had been consistently invoked in the UN Human Rights Commission to deny it the power to deal with human rights violations. As a matter of law this position became less and less tenable the more human rights complaints were discussed and voted on by the General Assembly and Security Council. For if domestic jurisdiction claims did not prevent the General Assembly and Security Council from dealing with these human rights violations, they could not provide a valid basis for barring the Human Rights Commission from dealing with the same violations. In any event, the domestic jurisdiction defense always lacked legal substance when invoked by a government that engaged in large-scale violations of human rights because such a government was in default of its *international* obligation "to promote universal respect for, and observance of, human rights and fundamental freedoms." (UN Charter, Arts. 55 & 56.)[22] The willingness of the General Assembly and Security Council to deal with these cases merely confirmed the view that the domestic jurisdiction clause of the UN Charter did not require the Commission to remain inactive. Interestingly enough, as early as 1949, the UN Secretary-General submitted a memorandum of law to the Commission demonstrating that the Commission had the power to deal with human rights complaints. But many of the states represented on the Commission, including the Soviet Union and the United States, were opposed to the assumption of that power by the Commission.[23]

The involvement of the General Assembly and Security Council with human rights matters has intensified in the last fifteen years. In the years following the proclamation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which was adopted by the General Assembly in 1960,[24] many new countries, particularly in Africa, gained their independence. They began to put increasing pressure on the UN to play a more active role in combatting the policies of racial discrimination and *apartheid* being practiced by white regimes in southern Africa. One of the consequences of this effort, which has also lead to numerous other UN anti-*apartheid* measures,[25] was an extensive reassessment of the powers of the UN Commission of Human Rights that began in the mid-1960's.[26] Some of its results are described below.

C. Procedures for Dealing with Gross Violations of Human Rights

In Resolution 2144A(XXI) of October 26, 1966, the General Assembly invited "the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur." This resolution was followed by ECOSOC Resolution 1235 (XLII) of June 6, 1967. It reversed the Council's long-standing policy that the Commission lacked power to deal with human rights complaints. The resolution authorized the Commission to

> make a thorough study of situations which reveal a consistent pattern of violations of human rights, as exemplified by the policy of *apartheid* as practiced in the Republic of South Africa . . . [and] racial discrimination as practiced notably in Southern Rhodesia, and report, with recommendations thereon, to the Economic and Social Council.

The resolution specified that this study was to be undertaken by the Commission and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, following an examination of "communications" received by the UN that revealed "gross violations of human rights and fundamental freedoms, as exemplified by the policy of *apartheid* . . . and racial discrimination" practiced in southern Africa.

There followed three years of inconclusive squabbling between the Human Rights Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. (The latter body, although a subsidiary organ of the Commission, is composed of twenty-six experts who serve in their personal capacity and, unlike the members of the Commission, are not government representatives.) The disagreement between these two bodies related to the interpretation of ECOSOC Resolution 1235 (XLII). A majority of the Sub-Commission construed it to apply to all "gross violations of human rights" wherever occurring. Various Afro-Asian states represented in the Commission, with the support of Soviet-bloc nations, sought to limit the application of the resolution to *apartheid* and racial discrimination in southern Africa, enabling them to condem white racism without taking comparable action against other gross violations of human rights.

The next important development came in 1970 when the Economic and Social Council adopted Resolution 1503 (XLVIII). It is worded in a less ambiguous manner than the 1967 resolution and seems to support the proposition that the Commission has the power to deal with any gross violations of human rights wherever committed and whoever the victims. What is even more important, the resolution establishes an institutional framework and procedures for dealing with such violations. Thus, almost twenty-five years after it was created, the UN Commission on Human Rights was finally authorized to do what it should have been doing all along.

1. Procedure for Dealing with Communications

ECOSOC Resolution 1503 establishes a multi-stage procedure for dealing with complaints by individuals and non-governmental organizations that "appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms." The procedure consists of a preliminary screening by a five-member working group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Its function is to refer to the Sub-Commission only those communications that reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission reviews these findings and determines whether any of the cases should be referred to the Commission. The Commission, in turn, is empowered to undertake a "thorough study" of the situation or to order an "investigation" by an *ad hoc* committee followed, in either event, by a report to ECOSOC.

Resolution 1503 does not tell the Commission when to undertake a study or to order an investigation. It does provide, however, that an investigation may not be instituted without the permission of the state to be investigated. Since this permission will be granted only rarely, it would appear that not many investigations will be carried out pursuant to the provisions of Resolution 1503. But the Commission does not need permission to undertake a thorough study of a situation that appears to reveal a consistent pattern of gross and reliably attested violations of human rights. This then is the route that the Commission will have to follow in order to implement Resolution 1503.

2. Applying the New Procedure

A year after ECOSOC passed Resolution 1503, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted detailed rules of procedure for the submission and disposition of communications that appear to reveal a consistent pattern of gross violations of human rights.[27] These procedures were applied for the first time in 1972, when a working group of the Sub-Commission screened more than 20,000 individual complaints and referred some of them to the Sub-Commission for further action.[28] At two subsequent sessions, the Sub-Commission reviewed these cases and the comments it had solicited from the governments involved. Finally, in 1974, it referred some of them to the Commission.[29]

Despite this action by the Sub-Commission, the Commission has thus far not proceeded against any state under the procedures provided for in Resolution 1503. Instead, it has in the past few years adopted various resolutions condemning the practices of some countries, notably South Africa, Portugal, Rhodesia, Israel and Chile. But in doing so, the Commission has studiously avoided invoking the Resolution 1503 procedures and has relied instead on the earlier ECOSOC and General Assembly resolutions. In 1975, however, the Commission did decide to establish a working group to review the findings of the Sub-Commission prior to each session of the Commission and to propose how they should be dealt with.[30] It is to be hoped that this step will make it easier for the Commission to undertake a serious and orderly review of the findings of the Sub-Commission; this has not been done thus far.

It is obvious to all who have followed the work of the Commission over the years that many governments represented in that body and in the UN generally do not look with favor on the Resolution 1503 system, precisely because it enables individuals to bring conditions in these countries to the attention of the UN.[31] They have therefore surrounded the system with numerous procedural obstacles and legal pitfalls, all designed to protect governmental interests and to effectively impede the ability of individuals and private groups to enforce governmental respect for human rights.[32] Among these obstacles is the rule of secrecy, which excludes individuals and their lawyers from participation in any of the proceedings before the Sub-Commission and Commission, and generally keeps them in the dark about all developments in the case.

All this notwithstanding however, as the Secretary-General of the International Commission of Jurists has correctly observed, "the advantage of the Resolution 1503 procedure is that it is the only procedure, universal in its application, for considering complaints by individual victims and by interested non-governmental organizations concerning violations of human rights. It is a tender plant, which needs careful nourishment."[33] There is also some evidence to suggest that the mere possibility of Commission action may have beneficial results. For example, a few days before the Sub-Commission was to look into a large number of complaints against the Greek military regime in 1973, Greece proclaimed an amnesty releasing many of the political prisoners who had filed the complaints. This action seemed to be designed to strengthen the argument of the military regime that the case should be dismissed.[34] If the Resolution 1503 system can have these and similar consequences, it certainly is worth preserving and developing.

V. CONCLUSION

Depending upon one's perspective, a partially filled glass of water is either half full or half empty. It is not much different when one attempts to assess existing international systems for the protection of human rights. On the one hand, it is readily apparent that we are dealing with relatively weak institutions lacking the power to compel uncooperative governments to respect human rights. It is also clear that many more such systems are required to start the work that needs to be done. On the other hand, the very fact that the systems described in this chapter exist and that they can point to some successes is an important achievement. Their existence testifies to the gradual, albeit slow and often grudging, recognition by governments that the international community has a legitimate interest in the manner in which governments treat human beings and in preventing governmental abuses that conflict with international norms.

Many governments are still unwilling, of course, to accept the legitimacy of this international concern or to subject themselves to international controls. And the governments which submit to such controls are often the ones that are least likely to engage in serious violations of human rights, and *vice versa*. These are phenomena that should surprise no one.

But international institutions for the protection of human rights are beginning to be established and at times acquire considerable political leverage that even unsympathetic governments do not always find easy to disregard. The reasons are obvious. Governments are subject to many conflicting pressures. In today's world no government is immune to change nor free of the restraints that domestic and international political and economic realities impose. Specific governmental conduct is determined by the interaction of divergent policy considerations and by attempts, both conscious and unconscious, to reconcile conflicting and changing but by no means always clearly understood military, political and economic as well as personal interests and needs. The resultant unpredictability of modern international relations plays havoc with the ability of governments to adhere with any degree of consistency to the policies they set for themselves. It is therefore not uncommon for governments to find themselves compelled to adopt a policy on a specific issue that they would like to oppose but are forced to follow in order to achieve some other or new objective. Since international protection of human rights is rapidly emerging as a political issue of enormous moral force, many governments opposed to the whole idea may for a variety of foreign policy reasons feel compelled to go along with it. The interaction of forces that brought about the adoption of UN procedures for dealing with gross violations of human rights illustrates this point.

The process by which the international community develops international norms and institutions has always been slow and cumbersome. To expect that governments will overnight agree to the establishment of effective international institutions for the protection of human rights is unrealistic. All government fears and opposes restraints on its freedom of action, whether it be internal or external. A typical local example is provided in the by no means successful efforts to establish civilian police review boards in various U.S. cities. All one can hope for and expect is a process which starts with the establishment of basic norms and institutions that are gradually refined and strengthened. The importance of the existence of the European Convention of Human Rights and of the inter-American systems therefore trancends their geographic reach. Their existence legitimates the principle of international human rights controls and makes it easier to promote the establishment of comparable institutions in other geographic regions and other international organizations.

It would be a mistake to assume, however, that even the most sophisticated international controls can put an end to all violations of human rights. Many of the most serious violations of human rights have their roots in political, economic and social problems that cannot be legislated away. They can be resolved, if at all, through national and international efforts that will require substantial economic resources, a great deal of patience and understanding, as well as wise and imaginative statesmanship. Americans familiar with the problems being encountered in the implementation of the school desegregation decision of the U.S. Supreme Court in *Brown v. Board of Education* should not find it difficult to understand that legislation and judicial decrees are often only the first steps on a long and arduous road towards the peaceful resolution of complex societal problems.

Chapter Four: FOOTNOTES

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1. The ILO has developed a complex human rights system involving judicial, quasi-judicial and conciliation techniques. Space limitations prevent us from dealing with this subject. The reader may accordingly want to consult the authorities dealing with this subject; they are cited in Chapter III, footnote 25.

2. The *Yearbooks* are edited by the Directorate of Human Rights of the Council of Europe and published by Martinus Nijhoff, Publishers, The Hague, The Netherlands.

3. On the Council of Europe generally, see A.H. Robertson, *The Council of Europe* (Manchester Univ. Press 2d ed. 1961); A.H. Robertson, *European Institutions: Co-Operation, Integration, Unification* (London: Stevens & Sons, 3d. ed. 1973).

4. Two most recent books in English on the European Convention are: F.Castberg, *The European Convention on Human Rights*, (ed. by T. Opshal & T. Ouchterlony) (Dobbs Ferry, N.Y.: Oceana Publications, Inc., 1974); F. Jacobs, *The European Convention on Human Rights* (Oxford: Clarendon Press, 1975).

5. For these texts, see L. Sohn & T. Buergenthal, *Basic Documents on International Protection of Human Rights*, p. 125 (1973).

6. For a report of one such case, which resulted in a judgment in favor of a U.S. serviceman stationed in Germany, see L. Sohn & T. Buergenthal, *International Protection of Human Rights*, p. 1259 (1973).

7. The size of the Court is equal to the number of states that are members of the Council of Europe.

8. For a useful survey of the activities of the Convention Institutions, see the periodic reports published by the Council of Europe, entitled *Stock-Taking on the European Convention on Human Rights: A Periodic Note on the Concrete Results Achieved under the Convention*. Up-to-date versions of this note are available free of charge from the Council of Europe, Strasbourg, France. See also A.H. Robertson, *Human Rights in the World*, pp. 51-79 (1972). Many of the decisions of the European Commission and Court of Human Rights as well as important judgments of national courts dealing with the Convention are reproduced in Sohn & Buergenthal, *supra* note 6, at pp. 999-1265.

9. On this subject generally, M. Ball, "Issues for the Americas: Non-Intervention versus Human Rights and the Preservation of Democratic Institutions," *International Organizations*, vol. 15, p. 21, (1961); see A.P. Schreiber, *The Inter-American Commission on Human Rights* (Leyden: A.W. Sijthoff, 1970).

10. Eleven ratifications are needed to bring the American Convention on Human Rights into force. For a discussion of the reasons why it seems unlikely that the Convention will enter into force in the near future, see T. Buergenthal, "The American Convention on Human Rights: Illusions and Hopes," *Buffalo Law Review*, vol. 21, p. 121, (1971).

11. See Chapter 3, pp.

12. See T. Buergenthal, "The Revised OAS Charter and the Protection of Human Rights," *American Journal of International Law*, vol. 69, p. 828, at pp. 835-36 (1975).

13. The Commission's reports on its work in the Dominican Republic are reproduced in Sohn & Buergenthal, *supra* note 6, at p. 1314.

14. *Id.* at p. 1339.

15. Inter-American Commission on Human Rights, *Report on the Status of Human Rights in Chile*, OAS Official Records, OEA/Ser. L/V/11.34, Doc. 21 (1974); extensive parts of the report are reproduced in *International Legal Materials*, vol. 14, p. 115 (1975). See also D. Binder, "Chile Accused of Torture by O.A.S. Investigators," *New York Times*, December 10, 1974, p. 8, col. 3.

16. See remarks on Chile by Senator Edward M. Kennedy, Congressional Record, vol. 121, p. S13458 (July 23, 1975); D. Binder, "U.S. Aide Rebukes Chile for Barring U.N. Inquiry," *New York Times*, July 12, 1975, p. 7, col. 1.

17. See generally, Schreiber, *supra* note 9, at p. 51.

18. Statement by U.S. Assistant Secretary of State William D. Rogers to OAS General Assembly reproduced in *Congressional Record*, vol. 121, pp. S9399-9400 (June 3, 1975). See also D. Binder, "U.S. Prods Chile on Human Rights," *New York Times*, October 13, 1975, p. 9, col. 1.

19. Article 68 of the UN Charter provides that the Economic and Social Council "shall set up commissions in economic and social fields and *for the protection of human rights* . . . ." (emphasis added). The functions and practice of the Commission and its subsidiary organs are described in UN Secretariat, *United Nations Action in the Field of Human Rights*, p. 137, (1974).

20. ECOSOC Resolution 9(II) of June 21, 1946.

21. Article 2(7) of the UN Charter specifies that the UN may not "intervene in matters which are essentially within the domestic jurisdiction of any state." However, it neither defines nor enumerates these matters and thus leaves the ultimate decision on this question to the UN.

22. For a very valuable review of the human rights practice of UN organs and an analysis of the nature of the legal obligations that UN Member States have assumed under Articles 55 and 56 of the Charter, see E. Schwelb, "The International Court of Justice and the Human Rights Clauses of the Charter," *American Journal of International Law*, vol. 66, p. 337 (1972). See generally J. Carey, *UN Protection of Civil and Political Rights* (1970).

23. UN Secretary-General, *Present Situation with Regard to Communications Concerning Human Rights*, UN Doc. E/CN.4/165, pp. 3-8 (1949).

24. UN General Assembly Res. 1514(XV) of December 14, 1960.

25. These are described and explained in UN Secretariat, *United Nations Action in the Field of Human Rights*, pp. 36-46, 201-212 (1974).

26. For the UN resolutions and debates on this subject, see Sohn & Buergenthal, *supra* note 6, at pp. 772-855.

27. See UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Res. 1 (XXIV) of August 13, 1971; the text is reprinted in L. Sohn & Buergenthal, *Basic Documents on International Protection of Human Rights*, p. 114 (1973).

28. K. Teltsch, "U.N. Unit Said to Report Greeks Violate Human Rights," *New York Times*, September 21, 1972, p. 18, col. 1.

29. M. Berlin, "UN Urged to Probe Rights Violations by 6 Nations," *New York Post*, September 3, 1974, p. 62.

30. Commission on Human Rights, *Report on the Thirty-First Session, 3 February — 7 March 1975*, UN Doc. E/5635, E/CN.4/1179, pp. 73-74 (1975).

31. See "Selective Silence on Human Rights," *London Times*, February 27, 1975. See generally, "Review of the U.N. Commission on Human Rights," *Hearings before the Subcomm.*

on International Organizations and Movements, Committee on Foreign Affairs, 93d Cong., 2d Sess. (1974).

32. For a graphic description of these problems, see the memorandum by Professor Frank C. Newman, the leading expert on these rules, entitled "The New U.N. Procedures for Human Rights Complaints: Reform, Status Quo, or Chamber of Horrors?" reproduced in *International Organizations and the Role of U.S. Foreign Policy* (Hearings before the Subcomm. on International Organizations and Movements, Committee on Foreign Affairs, 93d Cong., 1st Sess.), p. 715 (1973).

33. Niall MacDermot, "Eight Complaints — and Signs of Possible Strength in Fragile Investigation Procedure," *London Times*, May 21, 1974.

34. F.C. Newman, "The Greek Case in the U.N.," *International Protection of Human Rights*, *supra* note 32, p. 723, at 727.

CHAPTER FIVE

The United States and International Human Rights

I. INTRODUCTION

By ratifying the UN Charter the United States assumed important international human rights obligations. These obligations, as we noted in Chapter III, were clarified and expanded by the adoption of the Universal Declaration of Human Rights and the normative status it has gradually acquired. The U.S. has also assumed international human rights obligations by becoming a party to the OAS Charter whose human rights provisions have undergone a similar transformation through the adoption and application of the American Declaration of the Rights and Duties of Man. The U.S. has not, however, ratified any major international human rights treaty. It is not a party, for example, to the Genocide Convention, the International Covenants on Human Rights, the Convention on the Elimination of All Forms of Racial Discrimination, or the UNESCO Convention against Discrimination in Education. Among the few human rights agreements that the U.S. has ratified are a convention for the suppression of slavery and one on the treatment of refugees.* The U.S. is also a party to the 1949 Geneva Conventions on the Law of War and related international humanitarian arrangements applicable in war time.

It would be a mistake to assume, however, that the failure of the U.S. to ratify major international human rights treaties proves that the U.S. violates the rights they guarantee. By the same token, it does not necessarily follow that all the states parties to these treaties live up to their obligations thereunder. This is not to say that no useful purpose would be served by U.S. ratification of these instruments, nor that their ratification by some states that do not believe in human rights is necessarily a meaningless gesture. The matter is more complicated.

This chapter will therefore explore the reasons why the U.S. has thus far failed to ratify any major international human rights treaty, the consequences of this neglect, and the changes that U.S. policies relating to international human rights are currently undergoing.

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* In 1976, when this book was already in press, the U.S. became a party to the UN Convention on Political Rights of Women which had entered into force in 1954.

II. THE POST-WORLD WAR II DECADES

The U.S. is among a small number of countries that deserves most of the credit for bringing about the inclusion of human rights provisions in the UN Charter and the adoption of the Universal Declaration of Human Rights. Moreover, there are not many nations in the world whose domestic systems for the protection of human rights are as well developed as that of the U.S. At the same time, very few countries have a worse record than does the U.S. when it comes to the ratification of international human rights instruments.

U.S. foreign policy relating to international protection of human rights can best be described as a bundle of contradictions dictated by sometimes irreconcilable domestic and international policy considerations. The U.S. entered the Second World War committed to fight for "a world founded upon four essential freedoms," identified by President Franklin D. Roosevelt (in his famous 1941 "Four Freedoms" message to the U.S. Congress) as freedom of speech, freedom of religion, freedom from want, and freedom from fear "everywhere in the world." Although the U.S. remained for some time thereafter a strong advocate of international human rights, its attitude on the implementation of this policy began to change gradually in the late 1940's.[1]

A. *Human Rights Treaties*

Although in the early 1940's the U.S. Department of State began to promote a future world organization to be established by a treaty which would contain an international bill of rights, this idea was no longer seriously pursued at the time the UN Charter was being drafted at San Francisco. For one thing, the Soviet Union and the United Kingdom were opposed to such treaty obligations.[2] Moreover, the Soviet Union would not agree to any international codification of human rights that did not include economic, social and cultural rights. The proposition that individuals had "rights" to economic, social or cultural benefits was opposed by many Americans in the late 1940's and 1950's as "socialist" doctrine which, as a consequence, the State Department could not readily advocate.

It must also be remembered that in the late 1940's and 1950's strong opposition developed in the U.S. Congress to those international human rights efforts that would involve treaty or other international law obligations for the U.S. To understand this Congressional opposition to the assumption by the U.S. of international human rights obligations, it is necessary to recall that until the 1960's very little significant progress had been made in doing away with racial discrimination in the U.S. This was the period before *Brown v. Board of Education*, when the doctrine of "separate but equal" education was still the law of the land; this was the period of state poll tax and anti-miscegenation laws, of restrictive convenants and numerous other state laws that perpetuated racial as well as various other forms of discrimination in the U.S.; this was the period before federal legislation and judicial decrees had outlawed *de jure* racial discrimination in the U.S. This was also the period when a coalition of individuals believing in states' rights and representatives from the "Deep South" held sufficient power in the Congress to prevent the adoption of strong federal civil rights legislation.

Some civil rights advocates consequently began to search for other legal methods that would serve the same purpose as federal legislation. One solution, obviously, was action by the courts, both state and federal, to give effect to the Fourteenth Amendment and related provisions of the U.S. Constitution. The other solution, which for a while seemed more promising because of prior adverse judicial precedents relating to the Fourteenth Amendment, was the UN Charter or the so-called "treaty route."

To understand the reasoning behind the second approach, the reader needs to know that under the U.S. Constitution federal laws and treaties have the same normative rank. This means that whenever there is a conflict between a federal statute and a treaty which the U.S. has ratified, American courts, whether state or federal, must apply the one that entered into force last. Moreover, since the "supremacy clause" of the U.S. Constitution provides that the Constitution, federal laws and treaties "shall be the supreme law of the land," duly ratified treaties concluded by the U.S. supersede all prior and later state laws. There are two exceptions to these rules. The first is that American courts will not give effect to a treaty whose provisions violate the U.S. Constitution. The second exception is that a treaty will only supersede state laws and prior federal statutes if the treaty is self-executing in character. A self-executing treaty is one whose provisions are sufficiently unambiguous to allow American courts to give legal effect to them without awaiting federal implementing legislation.[3]

It follows that a self-executing treaty which is not unconstitutional can, as a matter of law, accomplish the same results as a federal statute. Civil rights advocates in the late 1940's consequently believed that they could achieve some of their goals through U.S. ratification of international human rights treaties. Since the U.S. had ratified the UN Charter and since it contains a non-discrimination clause, it did not take American lawyers very long to invoke the UN Charter to challenge discriminatory legislation. As a matter of fact, U.S. Supreme Court Justices Black and Murphy were among the first to rely on this theory, citing Articles 55 and 56 of the UN Charter in their separate concurring opinions in a 1948 case that involved discriminatory state legislation.[4] In that case Justice Black pointed out that "we have recently pledged ourselves to cooperation with the United Nations 'to promote . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.' How can this nation," he asked, "be faithful to this international pledge if state laws which bar land ownership and occupancy by aliens on account of race are permitted to be enforced?"[5]

These arguments received national attention in 1950 when an intermediate California state court rendered its decision in *Sei Fujii v. California*.[6] The court invalidated the California Alien Land Law on the ground that it conflicted with the UN Charter and the Universal Declaration of Human Rights. The potential consequences of this decision were readily apparent to American lawyers and prompted Senator William Bricker of Ohio, among others, to warn on the Senate floor that "if the *Fujii* case should eventually be affirmed by the United States Supreme Court, or if the principle announced therein should be sustained, literally thousands of federal and state laws will automatically be invalid." Senator Bricker consequently argued that "something must be done to prevent treaties from having such far-reaching and unintended consequences."[7]

When the State of California appealed the *Sei Fujii* case to the California Supreme Court, that court held in 1952 that the challenged California law violated the Fourteenth Amendment of the U.S. Constitution and was consequently invalid. But this court also ruled that the lower court's reliance on the human rights provisions of the UN Charter was in error because these provisions were non-self-executing and therefore could not invalidate any otherwise applicable law.[8] The State of California never appealed this case to the U.S. Supreme Court and so the holding of the California Supreme Court regarding the UN Charter went unchallenged. It is worth noting that the U.S. Supreme Court has yet to rule on this point; in those cases that might have presented this issue the Supreme Court has thus far preferred to rest its decisions on the Fourteenth Amendment. And once the Fourteenth Amendment became an effective weapon to strike down discriminatory legislation, American civil rights advocates no longer felt any need to rely on the human rights provisions of the UN Charter.[9]

But the opinion of the lower court in the *Sei Fujii* case had alerted many Congressmen to the fact that treaties might be used to effect domestic reforms. Moreover, since the treaty-making power had not been extensively interpreted by the U.S. Supreme Court, there was considerable disagreement, confusion and fear among American lawyers about the uses to which it might be put. The fears were kindled by partisan political charges that secret treaties, in the form of so-called executive agreements, had been entered into by Presidents Roosevelt and Truman at Yalta and Potsdam, giving the Soviet Union a free hand in Eastern Europe. This supposed "sell out" was attributed to the misuse of the executive agreement technique which enables the President in certain circumstances to assume international obligations by means of executive agreements without the advice and consent of the Senate or legislative authorization from both Houses of Congress. While these charges were being voiced, the UN had already adopted the Genocide Convention (1948) and the Universal Declaration of Human Rights (1948). The UN seemed also to be making considerable progress in drafting the Covenants on Human Rights, envisaged as a comprehensive international human rights treaty, whose ratification by the U.S. might have had far-reaching domestic legal consequences.

Citing all of these developments and what he conceived to be the real and potential threats of the treaty-making power, Senator Bricker in 1952 introduced a proposed amendment to the U.S. Constitution, sponsored by him and 58 other U.S. Senators.[10] This action ushered in the so-called "Bricker Amendment" debate which did not die down until the late 1950's. The proposed amendment went through a variety of different versions.[11] But one of the expressed aims of all the drafts was to ensure that no treaty could become U.S. law, even if it received the required advice and consent of the Senate, unless both Houses of Congress had also enacted a statute authorizing its domestic application. If adopted, the "Bricker Amendment" would have ensured, among other things, that no international human rights treaty concluded by the U.S. could override inconsistent state or federal laws unless an Act of Congress so provided.

To obtain the defeat of the "Bricker Amendment" — it ultimately failed by one vote to receive the approval of the Senate — the Eisenhower Administration gave assurances to the Legislative Branch that the U.S. did not intend to become a party to the proposed UN Covenants on Human Rights and other international human rights instruments.[12] This position was also formally communicated to the UN.[13]

President Kennedy, followed by Presidents Johnson, Nixon and Ford, reversed the policy of the Eisenhower Administration and urged U.S. adherence to international human rights conventions. Little progress has been made thus far, for the U.S. ratified only a very small number of such treaties after this policy change. Constitutional objections continue to be voiced by some American opponents of these treaties. They argue that the treaty power may be used only to regulate matters of international concern and that human rights are not properly matters of international concern. Most American constitutional lawyers reject this view as applied to human rights.[14] The President's Commission for the Observance of Human Rights Year 1968 addressed this issue as follows:

> It may seem almost anachronistic that this question continues to be raised. It is nearly a quarter of a century since this country used the treaty power to become a party to the U.N. Charter one of whose basic purposes is the promotion of human rights for all. The list of parties to the various human rights treaties proposed by the U.N. has become longer each year. In each of the last 2 years the U.S. Senate has approved a human rights treaty without a single dissenting vote. In December 1968 the Chief Justice of the United States noted that "We as a nation should have been the first to ratify the Genocide Convention and the Race Discrimination Convention." And yet the suggestion persists that this Nation is constitutionally impotent to do what we and the rest of the world have, in fact, been doing.[15]

It is true, of course, that various provisions of a human rights treaty may raise constitutional issues. This is the case, for example, with regard to some clauses of the Racial Convention which appear to prohibit the dissemination of racist ideas. Such a prohibition violates the freedom of speech guarantee of the First Amendment of the Constitution. The U.S. would accordingly have to ratify the Convention with an appropriate reservation; this is what some other countries have in fact done and which we should do whenever a treaty provision presents a possible constitutional issue. Obviously, the U.S. neither can nor should ratify a treaty that conflicts with any constitutional guarantee unless the conflict can be satisfactorily resolved by a reservation to the treaty. This very sound approach was adopted, for example, by the Senate Foreign Relations Committee when it recommended U.S. ratification of the Genocide Convention.[16] It is interesting to note, in this connection, that the American Bar Association, which had since 1949 opposed U.S. ratification of the Genocide Convention, reversed itself in February 1976 and now supports U.S. ratification with appropriate reservations.

In the past two decades federal legislation and judicial decisions brought about most, if not all, of the domestic legal reforms that various civil rights advocates in the late 1940's and early 1950's hoped to achieve through international human rights treaties. This would suggest that the individuals who in the past opposed U.S. ratification of such treaties for the very reasons that the civil rights advocates supported them have little to lose if they are ratified.

B. Human Rights Policies

During the first fifteen years of its existence, the UN engaged in two principal human rights activities. The first consisted of the development of international human rights norms through human rights studies and the drafting of human rights instruments. The second principal activity consisted of the gradual development of the so-called "human rights law of the UN Charter." This is the body of law that the various organs of the UN evolved by interpreting and applying the human rights provisions of the Charter.

Although the U.S. had initially been very active and influential in the UN drafting effort, its announced decision not to ratify any human rights instruments greatly diminished its influence in this area. The U.S. did, however, play an important role during this same period in promoting human rights debates in the political organs of the UN and in supporting UN resolutions on various human rights issues, including resolutions relating to racial discrimination in South Africa. It can of course be argued and it is no doubt true that some U.S. human rights stands were motivated by "cold war" considerations for they were directed mainly at activities of the Soviet Union and its allies. But it must also not be forgotten that some of these activities, particularly the Soviet slave labor camps and the violations of human rights in Hungary and Tibet, were gross violations of human rights that deserved to be condemned by the UN.

By supporting these efforts in the UN, the U.S. played a vital role in establishing two important and interrelated legal principles: first, that a UN Member State violates its obligations under Articles 55 and 56 of the Charter if its government pursues a policy involving massive violations of those human rights that are proclaimed in the Universal Declaration; and second, that a

Member State engaging in such violations may not validly invoke tha domestic jurisdiction clause of the UN Charter to prevent the UN from adopting resolutions condemning these practices.

Although the U.S. supported various human rights efforts in the political organs of the UN, it sided in the late 1940's and 1950's with the Soviet Union and the United Kingdom, among others, in opposing efforts to empower the UN Commission of Human Rights to deal with human rights complaints by individuals.[17] These countries took the position that such action by the Commission would constitute intervention in the domestic affairs of Member States and was not authorized by the UN Charter. The U.S. position was in all likelihood motivated by two considerations. First, as we have seen, this was a period when the treatment of various racial minorities in the U.S. was not receiving the legislative and judicial attention that it should have received. It was quite clear, consequently, that private petitions submitted to the UN from some of these groups would have been politically embarrassing to the U.S. Second, the very Congressmen and other U.S. leaders who opposed U.S. ratification of international human rights treaties also opposed efforts to weaken their position that human rights were matters of domestic concern. For if human rights were matters of international concern, it could not be argued very convincingly that the U.S. lacked the constitutional power to conclude human rights treaties. By not supporting efforts in the UN to empower the UN Human Rights Commission to receive private complaints, the Executive Branch no doubt avoided Congressional charges that it was "internationalizing" human rights.

III. A NEW ERA

United States policies relating to international human rights began to change in the mid-1960's. The Vietnam War impeded and slowed down these developments, but the past three years have witnessed significant changes in U.S. international human rights policies. They have been brought about in large measure by Congressional action; this is not without irony given the fact that Congress, more than any other branch of the U.S. Government, bears the responsibility for reversing the early pro-international human rights policies of the U.S.

In the fall of 1973, U.S. Representative Donald M. Fraser of Minnesota, chairman of the Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee, began to hold hearings on human rights and U.S. foreign policy.[18] The hearings marked the first time that Congress availed itself of the opportunity to give serious consideration to current developments in the international human rights field, to examine proposals designed to strengthen the role of the United Nations in protecting human rights, and to explore the advisability of giving human rights a higher priority in the hierarchy of foreign policy objectives of the United States.[19] From these hearings emerged a thoughtful and well-informed report, entitled

"Human Rights in the World Community: A Call for U.S. Leadership."[20] It contained twenty-nine separate recommendations, addressing the major international human rights issues of the day as they relate to U.S. foreign policy.[21]

In addition to urging U.S. ratification of various international human rights conventions, the Fraser Committee called on the Executive Branch to play an active pro-human rights role in various international organizations and to give human rights considerations serious attention when formulating U.S. foreign policy. These recommendations and the periodic follow-up hearings that Congressman Fraser has held have already resulted in important changes.

After the Fraser Committee chided the Department of State for assigning only one official on a permanent basis to deal with human rights matters, the Department established the post of "human rights officer" in each of its Bureaus. The Fraser Committee had urged some such action to provide an adequate bureaucratic structure within the State Department to ensure that human rights issues received a hearing at various policy-making levels. In the meantime, the State Department has also established an "Office of Coordinator for Humanitarian Affairs" that reports directly to the Under-Secretary of State. The Assistant Legal Adviser for Human Rights, also a new position, is responsible for legal matters affecting human rights. Thus, for the first time in our history we now have an institutional structure which gives U.S. foreign policy-makers the opportunity to be informed about the human rights implications of their actions. This is an important innovation that other foreign offices should also be encouraged to adopt.

In the past few years the U.S. has reversed its earlier position and come out strongly in favor of UN procedures for dealing with individual complaints charging violations of human rights. A recent statement on this issue, made by Ambassador Philip E. Hoffman, U.S. Representative to the UN Human Rights Commission, signals an important U.S. policy change that was recommended by the Fraser Committee. Speaking on behalf of the U.S., Ambassador Hoffman said:

> Perhaps the greatest difficulty which the Human Rights Commission labors under in its delicate and difficult tasks is the propensity of sovereign nations to be fully — if not furiously — aware of the shortcomings of other countries relating to human rights — but to remain blithely unconscious of their own delinquencies. There seems to be an overwhelming tendency by most governments to express concern only when human rights violations occur elsewhere — and to invoke "domestic jurisdiction" as a barrier to examination of violations within their own boundries.
>
> Under the procedures laid down in Economic and Social Council resolution 1503 (XLVIII) nation states will now have the opportunity to cast their gaze inwards — to recognize such human rights violations as occur on a gross and consistent basis within their own boundries — and to ascertain the degree of international concern with regard to these matters.
>
> And this international concern is justified. It is justified if the existence of

> the Human Rights Commission is justified — or that of the United Nations itself. Claims that abasement of man, the cruelties or oppressions inflicted upon him, are matters for internal concern only are not appropriate on the part of nations subscribing to the United Nations Charter. And this applies to oppressions ranging from unjustified imprisonment, torture, and restrictions on freedom of speech, of movement, of ideas, all the way up to that most egregious of all violations — apartheid. What is the purpose of the Human Rights Commission if this is not the case? . . .
>
> Mr. Chairman, to indicate my Government's determination to support these procedures we have decided on the following general policy. When the Subcommission refers a situation to the Human Rights Commission as revealing a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission under ECOSOC resolution 1503 . . . the United States will support a thorough study.[22]

The U.S. made clear that it was committed to support such UN studies even if the allegedly delinquent state was an ally of the U.S.

The U.S. recently adopted a similar position in the Organization of American States. Here the U.S. was instrumental in seeing to it that the General Assembly of the OAS discussed the annual reports of the Inter-American Commission on Human Rights, which had not been done in the past. Of particular importance, in this connection, is the statement of U.S. Assistant Secretary of State William D. Rogers to the 1975 meeting of the OAS General Assembly. Speaking with particular reference to the Inter-American Commission's report on conditions in Chile, Mr. Rogers noted:

> The primary issue here, now, is not whether there may have been some defects or inadequacies in the IAHRC Report. It is now somewhat dated. The more important issue is the future — the deep concern which we all have for the promotion of respect for human rights and the elimination of human rights violations wherever they occur, and our ability to build and strengthen an international system to consider matters so vital to the common human values of this hemisphere. In this connection the suggestions and recommendations of the Commission for the future deserve the attention of all, including the Government of Chile. . . .
>
> We do not regard human rights as an exclusively domestic concern. The states who are members of our Organization adopted and have subscribed to an international series of standards. These standards are set down in the Universal Declaration of Human Rights and in the American Declaration of the Rights and Duties of Man. We are fortunate that the OAS has given the responsibility of inquiry, reporting and recommendation, when violations of these standards are alleged, to its autonomous, independent and expert Inter-American Human Rights Commission. . . .
>
> My delegation further believes that the IA Human Rights Commission should remain seized of the issue. A process of inter-action between the Government of Chile and the Human Rights Commission is desirable,

> including opportunity for the Commission to keep its information up-to-date by all means appropriate.
>
> In conclusion, I would stress that this agenda item represents a test of the system and of the capacity of the members of the Organization of American States rationally, objectively and effectively to weigh human rights issues collectively. In a sense, all of us are on trial here — all of us, in our capacity to articulate a continuing standard and to develop fair and effective procedures for the application of that standard to individual cases.[23]

Consistent with the foregoing statement, the U.S. lobbied for and obtained the adoption of a resolution by the OAS General Assembly that called on Chile to heed the recommendations of the Inter-American Commission on Human Rights and authorized that body to keep conditions in Chile under observation.[24]

The Hoffman and Rogers statements are important not only because they reflect the increased willingness of the U.S. today to actively support and initiate efforts by international institutions to develop effective methods to deal with violations of human rights. The legal consequences of these policy statements are equally significant, for they constitute an unambiguous acknowledgement by the U.S. Government that it considers human rights to be matters of international concern. This position has been formally affirmed by Secretary of State Kissinger.[24a] It follows that it is the view of the U.S. Government that international law today permits one country to protest against and challenge serious violations of human rights by another country without being guilty of unlawful intervention into that nation's domestic affairs.

In the long run, the most significant action involving international human rights that has been taken by the U.S. in recent years may well be a series of Congressional enactments. Thus, in 1974 Congress passed an amendment to the Foreign Assistance Act of 1961, which read as follows:

> Sec.46. Chapter 1 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:
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> "Sec.502B. Human Rights.—(a) It is the sense of Congress that, except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty, and the security of the person.
>
> "(b) Whenever proposing or furnishing security assistance to any government falling within the provisions of paragraph (a), the President shall advise the Congress of the extraordinary circumstances necessitating the assistance.
>
> "(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation by such government in permitting an unimpeded investigation

of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross and any body acting under the authority of the United Nations or of the Organization of American States.

"(d) For purposes of this section, 'security assistance' means assistance under chapter 2 (military assistance) or chapter 4 (security supporting assistance) of this part, assistance under part V (Indochina Postwar Reconstruction) or part VI (Middle East Peace) of this Act, sales under the Foreign Military Sales Act, or assistance for public safety under this or any other Act."[25]

Whereas the foregoing law merely expressed the sense of Congress that there should be an aid cut-off, a law adopted in 1975 makes the aid cut-off mandatory. It reads as follows:

> Sec.310. Part I of the Foreign Assistance Act of 1961 is amended by inserting immediately after section 115 the following new section:
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> "Sec. 116. Human Rights.—(a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.
>
> "(b) In determining whether this standard is being met with regard to funds allocated under this part, the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives may require the Administrator primarily responsible for administering part I of this Act to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 617 of this Act.
>
> "(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.
>
> "(d) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development

> assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section.”.[26]

By adopting these laws Congress has determined to promote a U.S. foreign policy that assigns a relatively high priority to human rights and to efforts designed to ensure that they are not violated. A policy that results in the cut-off of U.S. aid to governments engaging in large-scale violations of human rights will of course not always bring about the end of such violations. But it can ensure that the U.S. will not be identified with those forces in a particular country which commit violations of human rights. These policies no doubt reflect the belief of Congress that, whatever their short-term political costs, the U.S. has an overriding long-term interest in a world in which human rights are respected.

It is interesting to note, in this connection, that the Congressional legislation speaks of “a consistent pattern of gross violations of internationally recognized human rights.” The reader will recall that this wording corresponds substantially to the language of ECOSOC Resolution 1503 which established the new UN procedures for dealing with individual complaints.[27] This formulation reflects a conscious effort on the part of Congress to demonstrate that its policies are designed to promote the principles upon which Resolution 1503 is based and to anticipate charges by the affected states that these policies amount to illegal U.S. intervention into their domestic affairs. This concern is reinforced by the emphasis Congress places in the legislation on the need for impartial international investigations of charges alleging violations of human rights.

It is also highly significant that the Congress speaks of “internationally recognized human rights.” What we have here is federal legislative acceptance of the proposition that such rights exist under international law and that states have an obligation not to violate them. The willingness of the U.S. Congress to give legislative expression to this proposition and to give active support to the enforcement of “international” human rights efforts signals a new era of Congressional concern for and awareness of the human rights needs of the international community. This concern was also reflected, for example, in the decision by the Congress to reduce security assistance to South Korea for the fiscal year 1975 “until the President submits a report to the Congress . . . stating that the government of South Korea is making substantial progress in the observance of internationally recognized standards of human rights.”[28]

It can only be hoped that the momentum of Congressional interest in international human rights will not be slowed by the 1975 UN General Assembly resolution characterizing Zionism as racial discrimination. This action by the UN is, of course, a shocking public display by various UN Member States of their willingness to sell out the struggle against genuine racial discrimination as it is practiced in southern Africa, for example, to gain some short term propaganda victories. But since this attitude is typical of many governments who have never been known as advocates of human rights, it would not serve U.S. interests to withdraw from the struggle for international human rights and let these nations shape and determine future policies and actions in this field.

IV. CONCLUSION

The preceding discussion indicates that the U.S. has in the past few years begun to support international human rights efforts with much more vigor than at any time following World War II. This does not mean that U.S. foreign policy currently assigns to international human rights issues an overriding or even a very high priority. It is clear, however, that the human rights aspects of foreign policy issues are today finally receiving some attention from our policy makers. How much importance is assigned to these aspects is difficult to say at this point. The Congress seems to be pressing the Executive Branch to assign higher priorities to international human rights considerations than it is currently doing. The Executive Branch, in turn, seems to be concerned that too vigorous a human rights policy will have an adverse effect on other U.S. military and foreign policy interests. The Executive Branch also favors greater tact or "quiet diplomacy" in pursuing human rights objectives and has doubts about the efficacy of congressional policies involving aid cut-offs and public condemnations. It will no doubt take some time before these conflicting approaches are reconciled and a coherent U.S. foreign policy on human rights is developed.

One of the basic prerequisites for such a policy is still missing. It has to do with the failure of the U.S. thus far to ratify the major international human rights instruments. Until the Senate indicates its willingness to give its advice and consent to our ratification of some of these treaties,[28a] the U.S. will not be able to pursue a truly effective international human rights policy. For one thing, the U.S. is politically and strategically vulnerable in the UN and other international bodies when it accuses other states of violating human rights. Thus, in reply to U.S. charges that Soviet emigration policies violate fundamental human rights, the Soviet Union loudly proclaimed that these measures are not in conflict with the International Covenant on Civil and Political Rights, which has been ratified by the Soviet Union but not by the United States. It matters not that the Soviet claim is subject to serious doubt; what matters is that the United States is hardly in a strong position to challenge the interpretation of a treaty to which it is not a party. Moreover, no assurances to the contrary or refined constitutional explanations can dispel the propagandistically very effective contention that the failure of the U.S. to ratify human rights treaties demonstates that it does not guarantee the rights they proclaim.

But the failure of the U.S. to ratify any of the major UN human rights instruments affects not only our human rights image and propaganda stance. In the long run, its consequences are much more detrimental. Nonparticipation by the U.S. in these treaties prevents us from playing a role in their interpretation and application. This means that, if we continue this policy, the United States will not have a significant impact in shaping the international human rights law of the future.[29] And, what is more important, many of the nations that will be shaping it are not particularly known for their commitment to libertarian ideals.[30]

Moreover, the failure of the U.S. to ratify these instruments also helps explain the low level of understanding which American adults and young people have regarding international human rights efforts and problems. The structuring and promotion of human rights education having a global perspective or component is consequently important as well as difficult in this country. It is clear, however, that the effort must be made, lest our young people be denied both the opportunity to understand one of the most critical problems of our times and the ability to contribute to its solution.

Chapter Five: FOOTNOTES

1. See L. B. Sohn, "A Short History of United Nations Documents on Human Rights," in *The United Nations and Human Rights*, p. 39, at pp. 44-59 (Report of the Comm'n to Study the Organization of Peace, 1968); J.F. Green, *The United Nations and Human Rights*, pp. 13-15, 59-65 (Washington, D.C.: The Brookings Institution, 1956). See generally, V. Van Dyke, *Human Rights in the United States and World Community* (Oxford Univ. Press, 1970).

2. Sohn, *supra* at p. 47.

3. On this subject generally, see L. Henkin, *Foreign Affairs and the Constitution*, pp. 129-71 (Mineola, N.Y.: Foundation Press, 1972).

4. See Oyoma v. California, 332 U.S. 633, at 649-50 (Black) and 673 (Murphy) (1948).

5. *Id.* at 649-50.

6. 217 P.2d 481 (Calif. Dist. Ct. App. 1950).

7. *Congressional Record*, vol. 98, p. 911 (1952). Similar warnings were sounded in the debate on the *Sei Fujii* case that Senator Donnell (Missouri) initiated in the U.S. Senate only four days after the case was decided. He too pointed to the dangers inherent in the treaty-making power that this case exemplified. *Congressional Record*, vol. 96, pp. 5993-6000 (1950).

8. Sei Fujii v. California, 38 Cal.2d 718, 242 P.2d 617 (1952).

9. On the political aspects of the *Sei Fujii* case, see C. Fairman, "Finis to Fujii," *American Journal of International Law*, vol. 46, p. 682 (1952). See also O. Schachter, "The Charter and the Constitution: The Human Rights Provisions in American Law," *Vanderbilt Law Review*, vol. 4, p. 643 (1943); B. Schlüter, "The Domestic Status of the Human Rights Clauses of the United Nations Charter," *California Law Review*, vol. 61, p. 110, (1973).

10. *Congressional Record*, vol. 98, pp. 907-08 (1952).

11. The different drafts are reproduced in "Report on the 1957 Bricker Amendment," *Record of the Ass'n of the Bar of the City of N.Y.*, vol. 12, p. 320, at pp. 343-46 (1957).

12. See Secretary of State John Foster Dulles' Statement, *Hearings on S.J. Res. 1 and S.J. Res. 43 Before a Subcomm. of the Senate Comm. on the Judiciary, 83d Cong., 1st Sess.*, p. 825 (1953), reproduced in L. Sohn & T. Buergenthal, *International Protection of Human Rights*, p. 957, at p. 959 (1973).

13. The U.S. Government Statement on this subject can be found in M. Whiteman, *Digest of International Law*, vol. 13, pp. 667-69 (U.S. Dept. of State, 1968).

14. See, *e.g.*, Henkin, *supra* note 3, at pp. 154-56.

15. President's Commission for the Observance of Human Rights Year 1968, *A Report in Support of the Treatymaking Power of the United States in Human Rights Matters*, p. 1 (Washington, D.C., 1969), reproduced in *International Protection of Human Rights: The Work of International Organizations and the Role of U.S. Foreign Policy*, (Hearings before the Subcomm. on International Organizations and Movements of the Comm. on Foreign Affairs, House of Representatives, 93d Cong., 1st Sess.), p. 731, at 735 (1973).

16. See *Report on International Convention on the Prevention and Punishment of Crime of Genocide*, Ex. Rep. No. 93-5, 93d Cong., 1st Sess., pp. 14-17, March 6, 1973). That treaty was first submitted to the U.S. Senate by President Truman in 1949; it was resubmitted by President Nixon in 1970, but has still not received the required advice and consent of the full Senate. See generally, B. Bryant & R. Jones, "The United States and the 1948 Genocide Convention," *Harvard International Law Journal*, vol. 16, p. 683, (1975); Sohn & Buergenthal, *supra* note 12, at pp. 979-92.

17. Green, *supra* note 1, at p. 121. See also the discussion in Chapter IV, pp. 75-78, *supra*.

18. See *International Protection of Human Rights*, *supra* note 15.

19. While these issues have come up in prior congressional hearings, usually in the context of hearings on specific human rights treaties or the treaty-making power in general, they have tended to be almost totally obscured by concerns relating to the constitutionality of U.S. participation in international human rights agreements.

20. *Report of the Subcommittee on International Organizations and Movements, Committee on Foreign Affairs*, 93d Cong., 2d Sess. (1974).

21. For a discussion, see "Symposium on Human Rights, The National Interest, and U.S. Foreign Policy: Some Preliminary Observations" in the *Virginia Journal of International Law*, vol. 14, No. 4 (1974), which contains articles by Lillich, Bilder, Buergenthal, Farer, Henkin, Shestack and R. Cohen.

22. Statement by U.S. Representative Philip E. Hoffman before the United Nations Commission on Human Rights in General Debate on Procedures for Dealing with Gross Violations of Human Rights, U.S. Mission (Geneva), Press Release, pp. 1-2, Feb. 14, 1975.

23. Statement of Assistant Secretary William D. Rogers, reproduced in *Congressional Record*, vol. 121, pp. S9399-9400.

24. OAS General Assembly, Resolution of May 19, 1975, reproduced *supra* at p. S9400.

24a. In his speech on "The Moral Foundations of Foreign Policy," delivered on July 15, 1975 in Minneapolis, Minnesota, to the Upper Midwest Council on Foreign Affairs, Secretary of State Henry A. Kissinger declared that one of the principles guiding U.S. foreign policy is that "human rights are a legitimate international concern and have been so defined in international agreements for more than a generation." U.S. Department of State, Press Release 372, p. 6 (1975).

25. 88 Stat. 1815-1816, Sec. 46, 22 U.S. Code 2304 (1974).

26. 89 Stat. 860, Sec 310, 22 U.S. Code 2151n (1975), adding a new Sec. 116 ("Human Rights") to the Foreign Assistance Act of 1961.

27. See Chapter IV, *supra*, pp. 79-80.

28. Foreign Assistance Act of 1961 as amended by Sec. 26, 88 Stat. 1802 (1974).

28a. The chances for U.S. ratification of the Genocide Convention have improved immensely with the February 1976 decision of the American Bar Association to support U.S. ratification of the Genocide Convention. The A.B.A. had since 1949 opposed such ratification. This change in A.B.A. policy is extremely important because, as a *New York Times* editorial recently pointed out, "while conjuring up bogus spectacles of Americans being summoned before alien courts on charges of racial discrimination at home, Senate opposition invariably fell back on the A.B.A. attitude as the clincher for their arguments." *New York Times*, February 26, 1976, p. 32, col. 2.

29. See F. Newman, "The New International Tribunal," *California Law Review*, vol. 56, p. 1559, at pp. 1567-68 (1968).

30. It must be remembered, in this connection, that the Universal Declaration of Human Rights, which is the touchstone of modern international human rights law, proclaims only general principles. Later human rights instruments, among them the Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, are designed to implement these principles and to give them juridical precision. Thus the contents, interpretation, and application of these treaties ultimately determine the meaning and scope of the principles that the Universal Declaration proclaims. The states which ratify these human rights conventions consequently acquire the power to affect the meaning of the Universal Declaration and to shape the future of international human rights law. The non-participation of the U.S. in the process is not only politically indefensible; it also deprives the international community of the valuable experience that this country has acquired in dealing with highly complex human rights problems.

CHAPTER SIX

Major Research Findings Concerning Students' International Knowledge and Attitudes

I. INTRODUCTION

Meaningful education for international understanding that will incorporate the necessary concern for human rights requires knowledge of the processes of international relations and international human rights institutions. If programs in international education are to be effectively designed, we need to be able to draw on a synthesis of research concerning the basic knowledge and attitudes of students which pinpoints their common misunderstandings regarding other nations and peoples. It is not enough to devise appealing lists of educational objectives.

One source of information for this synthesis is political socialization research which in the past fifteen years has documented variations in the political information and attitudes of different groups of pre-adults; however, this research has in large measure emphasized domestic political orientations. A summary of available research in the international socialization of children as it pertains to the development of a sense of national identity, orientations toward other nations and peoples, toward the United Nations, toward the United States as an important participant in international affairs, toward the more abstract concepts of war and peace and, finally, toward the future of international society, is included in Remy, Nathan, Becker and Torney. They drew the following conclusions:[1]

1. International learning begins early in life.
2. International learning is cumulative . . . what children learn at one age builds upon and is influenced by what they have previously learned.
3. The time of middle childhood (grades three through eight) is an important period in international learning.
4. The beliefs, attitudes, values, and knowledge individuals develop about the world differ — each individual student brings his or her own particular configuration of orientations toward the world.

5. The mass media, especially television and newspapers, play an important role in children's international learning.

A thorough knowledge and understanding of the specific factors which operate to mold the perspectives, attitudes, and knowledge of students are essential to the development of sound educational programs and procedures. Accordingly, our purpose in this chapter is to provide an overview of the available research findings on these topics.

II. RESEARCH ON STUDENT ATTITUDES AND KNOWLEDGE

A. *Sense of National Identity*

The sense of national identity appears early, is subject to little change, and is therefore one of the most important of the child's perspectives. The most informative studies of the emergence of this sense of identity have been conducted with young children. Connell, reporting on his interview study with Australian children, points out that ideas which young children hold about potential external enemies which pose a threat to their country (and these often include all foreign countries) are related to primitive and diffuse fears that the safe places of their own lives will be disturbed.[2] This causes an intensification of support for their own national system and the *status quo*. Connell concluded that as a result of these basic fears and feelings of threat, during early childhood nationalism tends to become very strong and resistant to change in Australia. Cooper, in a study of English and Japanese students, identified a "patriotic filter" which was in existence by the age of 9 or 10, and which screened out negative images of the home country, thus inducing a "we"-"they" dichotomy.[3] It seems reasonable to assume that both of these processes operate among children in the United States.

This early positive attachment to one's national community is established largely with the aid of national symbols. Since the child's initial identification with his country is associated with little real information about it, symbols like the flag and, in this country, the Statue of Liberty provide concrete links. The connection between prominent symbols and abstract terms like liberty and freedom is illustrated by this interview with a second grade boy:

> I: What does the Statue of Liberty do?
> R: Well, it keeps liberty.
> I: How does it do that?
> R: Well, it doesn't do it, but there are some other guys that do it.
> I: Some other guys do it for the Statue of Liberty?
> R: The Statue is not alive.
> I: Well, what does it do?
> R: It has this torch in its hand, and sometimes they light up the torch. If the Statue were gone, there wouldn't be any liberty.[4]

According to Hess and Torney, throughout elementary school, American children focus on symbols like the flag and the Statue of Liberty. There were some differences between children in the 2nd-4th grades, whose pride in their American national identity was linked to material elements (e.g., "Americans are generous" or "America has beautiful parks"), and those in later grades, who stressed ideological factors such as freedom and the right to vote. A further difference noted by the same authors was that young children tend to focus on personalized representatives of government rather than upon institutions as being important.

In the same study it was observed that a strongly positive affective attachment to the nation is developed by the second grade, when an overwhelming proportion of students agree, for example, that "America is the best country in the world." Although their knowledge about America may be full of misconceptions about geography and our system of government, and naive with regard to political realities, this strong sense of national identity is present quite early and does not change during elementary school. It is only late in the elementary school years that America is seen as part of an organized system of countries. These findings suggest that there is little need for the school to devote extensive resources to socializing a positive national identity for the older student since that is already a relatively stable aspect of his orientation.

The study conducted by IEA (The International Association for the Evaluation of Educational Achievement) of thirty-thousand pre-adolescent and adolescent students in nine democratic nations [5] demonstrates some variations between countries in the strength of this sense of national identity, specifically in the emphasis placed on national patriotic rituals or symbols and in the strength of positive evaluations of the government. For example, students in Israel are very much like those in the United States in having a strong national identification, and considerable time in school is devoted to patriotic practices; students in the Federal Republic of Germany, Finland, and the Netherlands, on the other hand, are very different and present what might be called an anti-nationalistic position.

Studies conducted by Piaget in Switzerland, [6] by Jahoda in Scotland, [7] by Jaspars in the Netherlands, [8] and by Lambert and Klineberg [9] with small samples in eleven parts of the world (including the U.S. and Japan, as well as African and European countries), have demonstrated common developmental trends in the cognitive aspects of national identification, beginning with a very concrete and undifferentiated world view (both geographically and politically) and progressing to a more sophisticated one. However, some differences in the strength of positive orientations are observed when two or more countries are compared. An unwavering support for one's nation and attachment to national tradition is clearly more important in some countries than in others.

Some possible parallels may be found between the development of personal self-esteem and national esteem. Some research has indicated that individuals with a moderate level of self-esteem are capable of a high level of interpersonal functioning. These individuals are not so convinced of the validity of their own point of view that the views of others are considered unimportant, nor are they lacking in a feeling of the basic worth of all people. The same principle may hold with respect to the level of national esteem. An individual who has an exaggerated level of positive feeling for his country may downgrade other nations and cultures, while an individual with a moderate level of such feelings will be more open to international contacts.

It appears that young people also have the ability (which may be underestimated) to relate to and identify with a variety of membership groups. In connection with intercultural education in this country, through the study of domestic ethnic groups, attempts have been made to inquire whether intensifying a student's Italian-American, Irish-American or Mexican-American heritage and identity will weaken psychological ties to the nation as a whole. One can ask children themselves "whether it would be better if everyone forgot about being a -American (naming the child's own ethnic group) and just concentrated on being an American." The younger children frequently support cultural identity by reference to celebrations and concrete aspects of their ethnic heritage:

> A 10-year-old Polish-American boy responded: It would be a bad thing because if you forget about your nationality you won't be able to do those special things in your nationality. Like if you are Spanish, you celebrate birthdays with Pinatas, and you wouldn't have Pinatas if you were just American.

> A 9-year-old Lithuanian-American girl answered: I think that every person should have his own nationality; he could celebrate the things their way. If it was just American then it would be a boring place to live in.

Many older children, on the other hand, have a remarkably sophisticated view of the values of pluralistic ethnic identification in American society.

> A 12-year-old Italian-American girl answered: A law to forget your nationality would be bad. I like being Italian; it's people's identity. This is what America is about.

> A sixteen-year-old Croatian-American boy said: It would be bad to have a law like that because America couldn't be as constructive in views and things that she does. Different groups make America unique and strong.

B. Views of Other Nations

One's own national identity may also set a kind of perspective for viewing other countries. Remy, Nathan, Becker and Torney concluded that:

> Developing a sense of self is predicated upon an awareness of others and their expectations . . . Identification with one's own country (we) may be predicated upon an awareness of other countries (they).[10]

This differentiation of "we" and "they" may be an adversary one involving considerable chauvinism; on the other hand, it has the potential to foster an ability to see the interdependence of ourselves and others and to appreciate the views of those in other countries.

Most of the investigators who have studied children's attitudes have themselves viewed the world as clusters of nation-states and consequently have asked children for their opinions of these national units. When Scottish six-to-nine-year-olds were asked for their preferences, Jahoda found that they judged other countries favorably in proportion to perceived similarity to Scotland.[11] Preference for foreign countries that were similar to one's own was also noted by Jaspars among students in the Netherlands.[12] Lambert and Klineberg,[13] in a study done under UNESCO sponsorship, interviewed six-, ten-, and fourteen-year-olds in eleven areas of the world in 1959. They found that some stereotyping or labeling of the characteristics of people in their own country was characteristic of younger children, while older children were more likely to apply labels to people in foreign countries. Educators tend to view stereotypes as wholly undesirable characteristics of children's views of others, which stand in the way of true international education. However, it might be more realistic instead to view the stereotype as a kind of concept by which children organize masses of information. So long as our educational efforts are based on presenting students with quantities of information about the unique characteristics of the peoples and customs of each of a collection of nation-states, rather than encouraging them to look at dynamic interrelationships in the world community, stereotypes may be the best device available to organize this information. In other words, stereotypes may be used by children as a way of coping with the mass of information they are given about other nations and peoples. A teacher who stresses the relationship between peoples rather than exotic facts about them may make stereotyping unnecessary.

But, on the whole, children, particularly those between approximately eight and twelve years of age, seem relatively open to new approaches to and information about foreign people; Lambert and Klineberg found that American children before the age of fourteen were interested both in individuals seen as dissimilar to themselves and in those seen as similar. By the age of fourteen they were less open. Jahoda also discovered among Scottish children a shift in attitudes about other countries beginning at about ten or twelve years of age. Hicks and Beyers,[14] who collected data from 3,000 American seventh- and twelfth-graders, using a map-related technique, also found that stereotypic concepts associated with Africa (natives, tribes, cannibals) and of Russia (enemy, dictatorship) increased from the seventh to the twelfth grade.

It is also important to consider the interplay of cognitive factors during this age period. There is evidence that beginning at about the age of seven, the child enters into a period of rapid cognitive development especially in the area of perspective and role taking. Middle childhood (before the onset of puberty) might even be called a critical period in attitudinal development since after this there is a decline in the malleability of attitudes.

The term "critical period" was originally used by psychologists and ethnologists to describe an age-bounded period during which the social behavior and learning of young animals demonstrates a high degree of plasticity. Once the end of this period is reached, there is a turning point, and behavior organized in a certain pattern becomes extraordinarily difficult to reorganize.[15] It may be appropriate to consider middle childhood as a critical period for the development of international attitudes and global perspective, given the evidence of attitudinal changes during this period, the achievement of important cognitive abilities, and the existence of attitudinal flexibility followed later by a tendency toward rigidity. Even if one does not fully accept the concept of critical periods, however, middle childhood should be recognized as a time of important developmental changes in many attitudes, a period during which certain barriers to a global perspective have not yet been erected, and therefore one which is especially appropriate for beginning international education programs.

That is not to say that there are no negative attitudes among children in middle childhood. Studies of Scottish children, and of Dutch children, as well as the study of children in eleven other countries by Lambert and Klineberg,[16] and an interview study by Torney,[17] have noted the similar pattern of national groups which children seem to *dislike*. Younger children tend to reject or see as dissimilar to themselves people from countries which are perceived as having strange and exotic customs, or as being culturally backward (often Asian or African countries), or as having recently been involved in a war (Vietnam, Germany) or as speaking a strange language. For example, when asked how other countries differed from their own country, more than seventy percent of a group of American children of ages six through twelve years spontaneously mentioned the difference in language spoken. For example, these responses were given by an eight-year-old boy:

I: how are people in other countries different from you?
R: Most talk Mexican.
I: Anything else?
R: Most talk different from us.
I: Do you think it would be better if everyone in the world were American?
R: Yes, because I want them to talk normal, the way we do.

This is perhaps an extreme example of linguistic ethnocentrism, but it reveals the tendency among certain age groups to place great importance upon a common language as a criterion for acceptance. Language differences are also perceived by some children as an obstacle to communication between ethnic groups in the United States. When asked how these groups differ, one student responded, "I'd rather be around people who are the same as me. By the time I'd learn Spanish, they'd have grown up and died."

Psychological research has linked the development of language ability in children to the development of cognitive processes. Speaking and hearing language appears to have a discernible influence on social development also. A variety of studies (in addition to those of Jahoda and of Lambert and Klineberg) find that among older children political and ideological factors are much more critical in determining dislike for certain foreign nations. For example, Hess and Torney,[18] Glenn,[19] Targ,[20] and Hicks and Beyer[21] (in testing conducted with American children from 1962 — 1969) commented on the negative view of Russia and of other countries perceived as Communist. They were seen as untrustworthy, atheistic, lacking in freedom, characterized by dictatorships. In spite of these negative images of national governments however, several of these studies have also indicated that many children perceive that tolerance and friendliness should be extended to the *people* who live in another country even if the political leadership of that country is perceived in a negative way. If children are able to distinguish between the people and the political leadership of other countries, they may also be able to make complex distinctions between different aspects of a nation's policy. For example, they may be able to understand how it is possible for the United States to collaborate with Russia on a space flight or to engage in trade with them without approving of aspects of their political system.

A dichotomy which pits national vs. international often fosters an over-simplified view. This is undesirable if one is attempting to make the point that national feeling and international feeling are not mutually exclusive or that the existence of one does not presume the lowering of the other. It *is* useful, however, in considering patterns of knowledge and interest regarding national and international topics which exist in different countries. In Torney, Oppenheim and Farnen's survey, students were asked how frequently they discussed different topics with parents, friends, and teachers. Students in the United States ranked fairly high on total amount of discussion engaged in and on other aspects of active civic interest or participation. However, there was a difference between countries in the topics that actually interested students. Fourteen-year-old students in the Federal Republic of Germany, Finland, Italy, the Netherlands and New Zealand on the average discussed with parents and friends the subject "what is happening in other countries" more frequently than "what is going on in our country in government and politics". In Ireland and Israel, national politics were of slightly greater interest to students than events in other countries. The United States was the only country (of these eight) where there was substantially *less* interest among fourteen-year-olds in international political discussion than in the discussion of national political affairs with friends and parents. Similar patterns characterized the performance of pre-university students. The IEA data also show that the discussion of international topics in which American students tend to engage is especially likely to occur in school and with teachers. Another study of American secondary school students conducted in the late 1960's concluded that there is a peak of international interest in the later high-school years which declines in the immediate post-high school period.[22]

The cognitive portion of the IEA questionnaire dealt with knowledge of domestic and international matters. The average American fourteen-year-old is more knowledgeable about domestic political institutions and processes than the average fourteen-year-old in any other country except Israel. In contrast, the American fourteen-year-old is *less* knowledgeable about international institutions and processes than the fourteen-year-olds in any other nation except Ireland. An opposite pattern (that is, higher scores on knowledge of international processes and institutions than on acquaintance with domestic institutions and processes) characterizes students in the Netherlands and the Federal Republic of Germany at this age.[23]

The relatively greater knowledge of national institutions and processes (in comparison to international ones) among students in the United States (and to some extent in Israel) is congruent with a pattern noted previously in the analysis of patterns of attitude. Students in these two countries showed the highest scores on the IEA scales measuring attitudinal support for their respective national governments. Israel and the United States were also the countries which reported the highest level of participation in patriotic ritual in their classrooms. In summary, it appears that not only do Israeli and American fourteen-year-olds show a high level of support for their own national government but they also tend to know more about national than about international issues and are more interested in discussing national than international matters.

In attempting to understand these knowledge and interest patterns, the National Case Study Questionnaire collected by IEA and published by Passow, Noah, and Eckstein[24] is helpful. They formed an index of foreign contact for each nation in the IEA survey. For example, of the countries which conducted tests in Civic Education, the Netherlands ranked the highest on percentage of the Gross National Product which enters world trade (40%), and the United States ranked the lowest (6%). Similar indices of the percentage of films and textbooks imported from other countries and of the volume of international mail and telephone services again placed the Netherlands as the highest and the United States as the lowest in foreign contact. Data from a 1973 UNESCO survey (unconnected with the IEA research) indicated that only 1-2% of the average program week on commercial and public television in the United States is devoted to international programs — lower than in any of the other one hundred countries surveyed. An important obstacle to a global perspective for Americans may be the lack of international contact in the form of books, movies, and mass communication. This lack of readily available international input may make it especially important for teachers to enrich the teaching of all subjects with material obtained from other cultures and with other national perspectives.

If one examines the differences between nations included in the IEA study so far as the high and low points of student performance are concerned, there appears to be considerable congruence between knowledge, attitudes, and active participation in discussion. The patterns are somewhat more complex when differences between students are viewed within any single country. In fact, the student who is well informed about international matters may not also be the student who actively participates in discussion of them. In general it would appear one cannot plan on increasing positive attitudes or participation skills simply by pumping students full of facts about other countries.

In order to judge students' perspective on the future of the national and international system, a study of American high school seniors was made by Remy and Nathan.[25] When asked to make hypothetical predictions about the solution of problems such as the distribution of wealth, inter-group relations, and the management of violence in the year 1990, students demonstrated much more pessimism about the future of international society and the solving of international problems than about the prospects for solving problems on the national level. Changes which these students predicted would occur in international society tended to be changes they viewed negatively (e.g. "The bigger industrial countries of the world will economically dominate the smaller, poorer countries."); those which they viewed as likely to occur in national society were more likely to be those they perceived as positive (e.g., "Blacks and whites will be on much more friendly terms in the United States"). Remy and Nathan suggest that this greater pessimism with respect to international matters may be due in part to a lack of any centralized steering mechanism which would assume the role in international society that the national government takes in the domestic system. It has been frequently demonstrated that students learn less easily about political processes than about concrete institutions and persons. In acquiring knowledge of the international system students may need as much concrete material as can be provided by the school.

An Ohio project, "Columbus in the World — The World in Columbus" has investigated the linkages between cities of the world rather than between nation-states. The discovery of the way in which one's own city is linked to others by the trade, travel, and cultural activities engaged in by ordinary citizens has a tremendous potential for fostering a global perspective in children as well as among adults.[26]

C. *Attitudes Toward and Knowledge of the United Nations*

As compared to the number of studies of children's attitudes toward nation-states, there are only a small number of studies of children's knowledge of the United Nations, (certainly the most important international organization). Young American children tested during the 1960's tended to be aware of the UN at about eight or nine years of age and to associate it with helping hungry children and making peace.[27] Among American children tested in 1962 in the grades from 2 through 8, there was a pronounced shift away from seeing the United States as keeping the peace toward seeing the United Nations as having this responsibility. While children remembered the United Nations as a topic discussed in school more often than many other issues presented to them on a list, they did not report "taking sides" in this discussion because the activities of the UN were not presented to them as involving controversial issues. Elementary school students tested during this period tended not to agree, for example, that the UN should increase its power over its Member States. It was seen primarily as an organization doing good works.

A survey of high school students and their parents, conducted in the late 1960's, found that more than 85% of both students and parents were in favor of continued U.S. support of the United Nations and that there was a moderately high level of agreement between students and their parents on this issue.[28]

An important insight into the extent of students' familiarity with the United Nations is given by the results of the National Assessment of Educational Progress in its survey of Social Studies in 1972.[29] The educational level of achievement of 9-year-olds, 13-year-olds, 17-year-olds, and young adults (ages 26-35) insofar as it met various objectives of Social Studies education was ascertained.

Only two questions out of nearly 200 specifically focused on the United Nations and probed knowledge of its role in promoting peace. More than 67% of the 13- and 17-year-olds and more than 80% of the adults answered both of these two questions correctly. Only one question pertaining to the UN was administered to the youngest age group, and here 47% gave correct answers. This showing on the questions about the UN compared favorably to that on other questions under the heading of Major Developments in World History.

The questionnaire used in the IEA cross-national survey included UN related items to measure both cognitive and affective outcomes.[30] In the cognitive area of civics, seven questions (out of the forty-seven multiple-choice questions administered to fourteen-year-olds) dealt with the United Nations. To give an example of the findings: among students in the United States more than sixty-five percent knew that the Universal Declaration of Human Rights does *not* guarantee the right to disobey national laws if one's family is in danger. (This question, also administered to high school seniors, had a nearly equivalent percentage of correct answers in that group.) More than sixty percent of fourteen-year-olds identified the UN Charter as the document (out of five listed) which contains the most accurate description of the organization, structure and functions of the UN. Approximately fifty percent of the fourteen-year-olds knew that the Security Council (out of five listed UN units) is charged with major responsibility for the keeping of peace. The proportion of students in each country who answered these questions correctly is reflected in the ranking of knowledge of national and international processes reported previously.

In addition to these cognitive items in the area of civics, which measured knowledge of the UN, there were a series of *ratings* of the UN in a part of the IEA instrument called "How Society Works." There, students were asked to indicate what effect each of ten listed institutions had upon the realization of a series of values. These students rated the UN relatively high on achievements, such as "creates better understanding so that people can live and work together" and "settles arguments and disagreements."

American fourteen-year-olds, however, see other institutions as equally effective or more effective in promoting values of creating understanding and settling disagreements; in particular, Police and Laws tend to be rated at as high as or a higher level than the UN in all of the participating nations (including the United States).

In the U.S. students see the United Nations as one of several institutions promoting harmonizing values. High school seniors tend to hold perceptions of the UN similar to those of fourteen-year-olds (if anything, the seniors are slightly *less* favorable).

We may summarize these data by saying that in the U.S. the majority of both fourteen-year-olds and seniors in high school have accurate knowledge about the major activities of the UN; however, it is not an institution about which they have extensive knowledge, a clearly developed image or have strong positive attitudes. There is a very small change between the fourteen-year-old and the high school senior level with regard to knowledge and exposure to information about the UN or clarity of attitudes toward it. This contrasts markedly with the considerable changes shown for this age period in responses to the many items with domestic political content.

If the years before the age of fourteen are thought of as a critical period for the acquisition of knowledge and attitudes about international organizations and processes, it is important to begin programs in these areas during the middle school years in order to have maximum impact. It follows that it is important also to meet more effectively the needs of the student in these respects during the high school years in order to avoid having that period become a kind of plateau so far as international knowledge and attitudes are concerned.

D. Attitudes Toward Human Rights

Although many UNESCO Associated School projects have focussed specifically upon the work of the UN's specialized agencies and upon the subject of human rights, there are not many sources of information about the existing attitudes of students toward these agencies or toward UN activities in the protection of human rights. Investigators concerned with political attitudes sometimes include questions about human rights in democratic society, but these items tend to focus on the realization of these rights within the domestic political system or as protected by the national constitution or laws. Those who have done research on political socialization, primarily Americans, may themselves be reflecting an impediment (common among those educated in this country) to the understanding of what is meant by international protection of human rights. Since American civic education presents terms like "rights and freedoms" almost exclusively in the context of study of the U.S. Constitution and Bill of Rights, there is a tendency among American students to think that the rights and freedoms guaranteed to American citizens in those documents are unique in the world society. This natio-centrism regarding human rights is reflected, for example, in the tendency of many children to believe that ours is the only country in which the right to peaceful assembly or the right to a fair trial is guaranteed. This may conceivably lead young people to the mistaken impression that people in other countries do not really care about having such rights and freedoms assured to them. American students may have special difficulty in recognizing that they share a belief in human rights with people in underdeveloped countries whose appearance and language are very different from their own. If the language spoken sounds strange to American ears, does the speaker have the same right as Americans do to express his opinions freely? Some young Americans might think not. Weissberg, who has reviewed a number of socialization studies, concluded:

> For young children democracy is America and America is democracy . . . other countries may have this democracy but for a variety of inarticulatable reasons other peoples' democracy is not as good as the American version.[31]

The same may also be true for other people's human rights.

Those studies which have focussed upon American students' belief in democratic values are not particularly optimistic even with regard to their support for the political rights of groups with diverse opinions as guaranteed by the U.S. Constitution and Bill of Rights. Another problem often associated with the matter of human rights is that although students may approve abstract statements in favor of such rights as free speech, they may nevertheless be willing to deny these rights in specific instances involving particular unpopular groups whose convictions do not agree with their own.[32]

A study of American, British, and West German students found a substantial increase during adolescence in the understanding of the importance of the protection of individual freedom.

> Not only is the eighteen-year-old more capable than the eleven-year-old of recognizing intrusions into the privacy of the individual, but . . . also . . . recognizing the need of safeguarding certain freedoms with formal legislation.[33]

Students of high school age sometimes perceive that wars are fought over the denial of political rights, and express the desire to avoid such wars, but they seem unaware of the potential of international cooperation in preventing conflict. The matter of support for social and economic rights for those in other countries may have become confused for some children because the stress in the past has often been on American charity rather than on the complexity of economic redistribution. The support for the international protection of political rights is related both to a knowledge of the functions of the United Nations and to a perspective on the universal nature of these rights.

E. *Perceptions of War and Peace*

Children are aware of war at an early age — most studies indicate by the age of six. Younger children's images are, of course, concerned with concrete

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objects of war such as guns, tanks, and planes. As older children become capable of reciprocal reasoning and are able to see an issue as it appears from more than one side, they become more sophisticated about the causes of war. For example, a young child when asked how one can tell which side is right in a war is likely to say something like "the one who wins is right", or "they should look on a paper to see which one owns the country." Older children can understand that one's own personal preference for one country over another may determine which side seems to be right. One twelve-year-old states his conclusion in this way: "No country is right or wrong. Each one believes that it is right or it wouldn't be fighting. But it depends on your point of view about which is right and which is wrong. Nobody can say for sure who is right."

Young people tend to define peace as the absence of war and not to see the active processes of cooperation and conflict-resolution which are necessary to sustain peace. Children's ideas also become somewhat more sophisticated with age on the subject of maintaining peace. One young child who was asked how wars could be stopped answered "no guns, no bombs, no hand grenades", but when queried further about who could stop war by eliminating these things, he replied "the Army, the Navy, and the Air Force". Older children are somewhat less focussed on stopping wars by eliminating their concrete aspects. Some prescribe education (e.g., "teach people not to fight; get others to like us"), others focus on politics ("send letters to Congressmen, you have to work for it to get peace" or "elect the right government people — people who are for peace").

A less encouraging aspect of children's attitudes toward war is the evidence that many children see war as inevitable, necessary, and likely. Cooper in a study of English children found that 14- to 16-year-olds see greed, lust, hate, and desire for power as immutable human motivations which make war likely.[34] Tolley's more recent study found that many American children acknowledge the importance of fighting for national defense; somewhat fewer saw war as necessary to combat communism.[35] However, more than ninety-percent felt that stopping war was "hard" or "very hard".

Tolley also commented on the apparent importance of the 5th and 6th grades in developing children's ideas about war. In these grades there was greater opposition to war than in either the higher or the lower levels; these grades also showed the greatest rise in level of information about specific wars attributable to television or newspapers.

The IEA survey also included some attitude items concerning war (e.g., "war is sometimes the only way in which a nation can save its self respect"; "talking things over with another nation is better than fighting").[36] The large majority of the students in all nations rejected war as an instrument of national policy. War was most strongly rejected in the Federal Republic of Germany, the Netherlands, and Sweden.

III. RESEARCH ON THE EFFECTS OF EDUCATION

A. *The General Effect of Educational Programs on International Knowledge and Attitudes*

There is evidence that the kinds of attitudes we can expect of adults in the future are determined in part by educational events in the present. It is true that the cognitive development of the individual takes place independently of specific educational input and that specific occurences of turmoil and conflict in the future cannot be predicted. Nevertheless we are presently educating children who will, by their actions as adult citizens in the 1980's, determine the shapes of law and the administration of justice, social and political institutions, and whether a state of war or peace will prevail. It is difficult to take such a long range view but we are, whether we realize it or not, creating our own future through the kind of education provided to young people.

The effect of education upon international attitudes and skills has received only limited study. Although estimates of the influence of general schooling and especially of civic education on the acquisition of political knowledge and attitudes vary considerably, there is general agreement that even when influences such as home background are held constant, classroom practices and teacher attitudes still play an important part.

The IEA data, however, indicate the complexity of the influence of civic education practices. For example, there appears to be a certain degree of incompatibility between some positively-valued outcomes of civic education. A stress in the schools on patriotism and nationalism, which seems to contribute to adolescent support for the national government and active civic participation in many countries, may foster those outcomes at the expense of support for democratic values.[37] The possible incompatibility of certain attitudinal outcomes makes the task of program reform in civic education an especially difficult one. If practices increase one positively valued civic outcome at the expense of another, we shall have to find imaginative new approaches and new practices, ones which will foster intended positive effects and minimize the unintended negative ones.

In the IEA study the only school-based variables that seemed to contribute in what may be called a consistently positive direction to the students' achievement of three identified positive outcomes of civic education were measures of what is often called classroom climate — in particular, whether there are indications that students are encouraged to express their own opinions. Reports of this type of classroom functioning were characteristic of the students who were more knowledgeable, less authoritarian, and more participant. The large majority of those who have written on the subject of education for the fulfillment of human rights and international education since the 1920's have pointed out the importance of this influence, for which the IEA study has provided research evidence. It is this aspect of the school experience which is probably most difficult to modify, however — requiring as it does considerable change in teachers' orientations.

Levine, an anthropologist, describes the sources of "slippage" in the socializing process that confront the socializing agent with unplanned and often undesired processes and outcomes, and points to the need for empirical research directed at these problems:

> First, the socializers are at best imperfect psychological engineers (they do not command the necessary but as yet ill-known laws of behavior acquisition); second, they must operate within the limits set by their trainees' preexisting behavioral dispositions acquired genetically and through "accidental" events of early experience. Recognition of this slippage . . . brings to our attention two major sets of variables related to socialization: the conscious aims, concepts, and knowledge of the socializers and the relationship between unplanned and deliberate influences in the child's behavior development. The most urgent objective for empirical research on socialization is to understand the relation between the planned and unplanned aspects of social learning.[18]

Unplanned *outcomes* of practices, particularly in the socialization of global orientation are of great importance. A given educational practice (for example, a school policy limiting the discussion of controversial issues) may have a series of planned outcomes, such as less conflict in the classroom, but also unintended ones (a belief by students that freedom to express one's opinion is not a universal or important principle). To take another example, a map on the schoolroom wall which presents the North American continent in the center with other countries as borders may teach geography, but it may also transmit in an unintentional way the relative importance of one part of the world in comparison to another. Most teachers do not intend to discourage children from learning about other nations or acquiring a global level of awareness. The barriers to that learning and awareness, however, may be the unplanned and even unrecognized consequence of some current educational practices.

Attempts to introduce a child in the early years of elementary school to an awareness of local events and institutions, such as fire departments, are common in school curriculum. Only in later years of schooling is the international perspective discussed. From an early age, however, the child is likely to absorb large masses of information about the globe which are not discussed in school. The child has little encouragement either at home or at school to seek help from adults in understanding the information he is exposed to in the media and elsewhere.

Difficulties in constructing educational programs may also result from a lack of information on the part of teachers concerning prevailing attitudes and misunderstandings common among children. For example, in a domestic intercultural education project recently conducted in Chicago, one of the activities was an ethnic picnic. The purpose was to familiarize children with domestic ethnic cultures through experience with different foods and games. The teachers did not realize that children were unfamiliar with the concept of German-Americans, Italian-Americans, etc.; the result was that many students assimilated the experience of the picnic to their ideas about Germans in Germany, Italians in Italy, (and so on). When interviewers asked the students what they had learned from the picnic, they tended to give answers such as "people in different countries eat different foods and play different games" or "ethnic means the food from different countries and cities and states." Though it is likely that the students were capable of understanding cultural heritage in America, they needed the teacher's help in doing so.

The teacher's own attitude toward international and intercultural topics is important to successful teaching in these areas since it determines the emphasis placed upon them, how much time is devoted to them, and the kind of material presented. In the IEA survey, both national and international problems were seen in all nine countries by most of the teachers of fourteen-year-olds as more important than six other topics.[19] In comparison to each other, national and international problems were seen as being of about equal importance by the majority of teachers in the Federal Republic of Germany, Italy, and New Zealand. In Finland, Ireland, and the United States national problems were rated as somewhat more important. No data on teachers in Israel were available in the IEA study. Generally speaking, teachers in the nations surveyed tended to regard information on non-Western cultures as less important than material concerning national and international problems (and other civics topics). A somewhat greater interest in non-Western cultures was shown, however, in New Zealand, Sweden, and the United States.

The report of the American Council on Education, cited earlier, indicates that only a small proportion of teachers are trained to teach from a global perspective. Other surveys indicate that in secondary schools courses on American history and American problems are taken by students far more frequently than are those which concentrate on world history or international problems. Morehouse comments as follows upon the national and international study in schools:

> While no one would dispute the central importance of study of our national history and government in the school curriculum, it is frequently carried out . . . beyond legislative requirements. In New York State, one of the more progressive states in international education matters . . . most students in fact spend . . . on U.S. and New York state history and government, close to 70 per cent of their time, and give 85 per cent of their attention to Western civilization and its contemporary manifestation on the North American continent, leaving a scant 15 per cent of the curriculum for the study of the rest of mankind.[40]

Some attention is paid to other nations in all school curricula, of course. With regard to learning about Africa south of the Sahara, Hicks and Beyers found in a multiple choice test of factual knowledge that 7th grade students have very limited information and numerous misconceptions about factual matters concerning foreign countries and continents. As an example of this, these authors cite the large number of students (45%) who chose the wrong answer to such questions as, "Most of Africa south of the Sahara is covered by jungles" (Correct answer — by grass lands), and "In terms of dollar value the most important exports of Africa south of the Sahara are mineral products" (Correct answer — agricultural products). The kind of curriculum material which may result in student misconceptions and which these authors believe should be drastically revised is illustrated below:

> The problem with instructional materials is usually less one of accuracy of information than it is one of lack of balance and up-to-dateness . . . what may have been true of Africa five years ago may very well not be true of it today. Lack of balance is especially noticeable in the elementary grades. Here instruction about Africa south of the Sahara tends to focus on the strange and bizarre. There are very few pygmies in Africa in relation to the total population: yet they are often the only Africans studied . . . as a result these (elementary) students get the impression that pygmies are a major segment of the population — or, in some cases, the total population. Since pygmies live for the most part in rain forest areas, the image of Africa as a land covered by jungles is reinforced.[41]

The content of curriculum involving the study of other nations in general is lacking in some important respects, according to Goldstein's review of elementary social studies texts and curriculum guides:

> Many of the texts and guides . . . stress that all people on the earth have the same basic needs, are interdependent, and need to cooperate . . . yet when individual countries are discussed it is clear that an implicit, and sometimes explicit, standard of industrialization and democracy is used. Indiscriminate westernization is the standard used to measure the underdeveloped countries.[42]

This bias toward technology and industrialization results in Northwestern European countries and English speaking countries (as well as countries like Israel and Japan which are highly industrialized democracies) being praised in the texts as "skillful," "energetic" and "freedom loving." The less industrialized nations of Southern Europe and all less developed countries are presented as using inferior substitutes for modern technology, as being uneducated, and as suffering from many problems associated with poverty. It is little wonder that children report a dislike for people of these countries because they are perceived as backward.

Hanvey has pointed to a major assumption which schools and television programming share — a belief in the naturalness and goodness of both economic growth and technological innovation. Young people lack sensitivity to the global consequences of technological decisions made by individuals, corporations and nations; the human rights issues which are raised by technological development are seldom presented to students. Hanvey concludes,

> The Western model of economic growth is strongly oriented by the values of efficiency and by the goal of maximum production. It does not attend, typically, to the problem of equitable distribution.[43]

In other words, enhanced human rights will not necessarily follow from industrialization in the developing countries. The unanticipated negative consequences of technological innovation need to be part of students' awareness.

Goldstein's survey of texts and guides also indicated the generally inadequate presentation of international human rights issues.

> When personal freedom is discussed (the texts) suggest that there are no personal liberties in Russia while there are virtually no limitations or conflict over civil liberties in the United States.[44]

Charles Maynes suggests still another way in which the school has tended to shape children's attitudes toward human rights.[45] For children, fairness is a very important concept and one which they understand at a relatively early age. In the United States most school curricula present the *status quo* in the domestic social order as basically fair. Generally speaking, in our society we tend to think of individuals who are rich as having *earned* that reward by hard and diligent work and, conversely, of those who are poor as in one way or another deserving their poverty. By analogy, the established international order is seen as relatively fair. If nations are judged in this framework, there seems little reason to protest the affluence of the United States. The assumption appears to be that merely by being Americans we have earned our affluence and the individual human rights we enjoy; other countries might have accomplished similar ends if they had worked harder and been more inventive.

Tolley studied several aspects of the schools' influence on children's attitudes toward war in general and in particular toward the war in Vietnam. When he correlated student attitudes with those of their classroom teachers there was a relatively low correlation. However, he did find that "children in classes where teachers believe they should expressly support the government's policy display the greater support for American involvement in Vietnam".[46] The greatest overall difference he found was between boys attending schools operated by The Society of Friends and those who were cadets in military academies. He concluded:

> Formal instruction stressing a philosophy of non-violence or an appreciation of military values significantly affects children's outlook on war. By the same token, children participating in the patriotic observances of the public school display greater national loyalty than those in private schools.[47]

Those who have evaluated the global perspective in American curricula vary in their opinion as to whether instruction is improving or deteriorating in this respect and whether more time or less is being spent on international issues in the average student's educational experience. One problem in assessing this, of course, is that the states vary a great deal in their curricula and practices.

However, a recent U.S. Office of Education report on teaching children about the United Nations, compiled from reports by the Chief State School Officers in the period from 1970-1974, reached the following conclusion.

> The most significant development regarding teaching about the United Nations in the United States in recent years may well prove to be that such teaching has tended to become fully integrated in instruction at all levels and is less likely than before to be singled out as a subject for special attention. There has been a more problem-oriented and interdisciplinary approach to learning (e.g., the rights of minorities and the environment).[48]

Although the need for more information in textbooks and better, more adequate teacher training is indicated, the authors of this report feel that progress is being made. The UNESCO Recommendation assesses the position of international and global education in various nations and also concludes that it is improving rather than declining, that attention should be directed to including an international dimension in all subjects rather than giving special courses on this subject separately, and that considerable additional efforts in careful teacher training and the development of appropriate teaching materials are needed.

B. The Effectiveness of Specific Units and Materials on International Knowledge and Attitudes

In addition to research which considers the general effect of the school on civic attitudes and studies which describe the amount and kind of experience the average student is likely to have with world history or the United Nations, there are a few studies which have attempted to evaluate the effect on international orientations of specific curriculum units or practices.

Two studies have compared the effects of traditional education with more innovative curriculum having an international focus. Williams used two curricula concerning the geography of West Africa with 13- and 14-year-old British students.[49] The experimental curriculum, which was taught by the author, emphasized the "details of everyday life, the nature of current problems facing the people of the area, and the help which was being given by such international bodies as the specialized agencies of the U.N."[50] The traditional curriculum (also taught by the author) studied the physical, historical, and regional geography of West Africa. A scale regarding attitudes to West African Negroes was constructed for both groups before and after the twenty-lesson curriculum. The mean score of the group given the standard curriculum was changed by .2 points in what the author called a favorable direction; the change reported in the experimental group was 7.6 points.

Elley investigated the fostering of attitudes favorable to international understanding in 14-year-old boys in a New Zealand secondary school.[51] Attitudes toward war and toward thirteen national groups were investigated. An experimental course, emphasizing international understanding, was taught by the author to the experimental group; a second class was taught by the author according to the regular curriculum; a third group was taught the traditional course by another teacher. After a four-month course of study, all classes were retested to ascertain attitude shift, and the experimental group was also tested two months later. All students were below average in intelligence and from groups of relatively low social status. The experimental social studies curriculum included topics such as the following: causes and effects of war; attempts to keep the peace, with emphasis on the League of Nations and the United Nations; illustrations of the interdependence of nations; detailed study of the life and problems of people in India, China, Japan, Holland, and Russia. Active participation in discussion was encouraged. The control group studied the same geographical areas with emphasis placed on climate, vegetation, and products. In this group, there was some additional stress on the geography of the Pacific region, and more traditional lectures were used. The experimental class increased in their tolerance of all national groups, particularly those chosen for special study. The change in this class was maintained at the testing two months later. No such change occured in the control classes which had studied the same countries using a more traditional focus. Attitudes toward the Japanese were somewhat more resistant to long-lasting change in both groups, perhaps because of films of World War II shown to these students in compulsory military training. The author's conclusion was that "schools make little contribution to international understanding unless teachers deliberately plan to foster it."[52]

The reports of Williams and Elley have several common factors. First, both were conducted by teachers using curriculum plans of their own making and tailored to the special needs and abilities of their classes. Second, these curricula were expressly designed to contrast with traditional curriculum both in content and in structure of the class although the same general topics were covered. Third, although both authors are appropriately cautious about the generality of their findings, they suggest that schools must make a conscious effort to foster international understanding with explicit tasks and methods, rather than expect increased knowledge of geography or political structures to result in improved social attitudes.

Bellak's study is of particular interest because of its findings concerning the slippage between prescribed curriculum and its actual classroom implementation.[53] A curriculum unit on international economic problems, with stress on the value of free trade, was taught by each of fifteen teachers. Pupils were given pre- and post-tests based on materials in the booklets they had studied. Teacher-student interactions were observed and coded. All teachers devoted a major proportion of their time to discussion related to the general topic, but there was great variation in the amount of time spent on specific sub-topics. For example, in one class, exports and imports were discussed in 23.5% of the verbal interactions; in another class, this topic occupied only .5% of the time. Free trade was discussed in 38.4% of the interactions in one class and in only 4.7% of the interactions in another. These variations existed in spite of the fact that the curriculum guides and student booklets were identical.

According to the classifications of the observers, teachers used the majority of their interactions with students to state or explain facts. The students of teachers who used these modes more than 85% of the time were less successful on the tests than those of the teachers who spent a smaller proportion of their time stating or explaining facts.

Riestra and Johnson taught a combined Spanish language and culture course to elementary school students.[54] Their data from pre- and post-tests indicated that students' attitudes became more favorable not only to the particular culture studied but also to Spanish-speaking cultures in general. Given the critical role of language in children's orientations toward other cultural groups, some sort of accompanying language study may be necessary for international and intercultural understanding to develop to the fullest extent.

IV. CONCLUSION

Designing international education programs to meet the needs and aspirations of students is facilitated by knowledge of their existing attitudes and beliefs and the processes by which these orientations may change. Research concerning students' orientations to their own and other nations, international organizations, international human rights, war, and peace has been summarized in this chapter. It shows that positive national identity is established very early and forms part of the child's *perspective* for viewing the activity of other nations and of his own, as well as the future of international society. The period before the age of fourteen is especially important because the child's openness to diversity in this period is more likely to foster positive international *attitudes*. Exaggerated support for his own national government in some cases may curtail the child's positive orientations toward other nations. In the United States negative stereotyping still exists among children, particularly with respect to Asian and African countries, and countries where wars have recently taken place. In the United States students tend to possess less knowledge about international than about national matters and to be *less motivated* to participate in discussion of international affairs outside the classroom than are the students of other countries.

There is relatively little research dealing with young peoples' orientations toward international organizations and almost no data concerning their ideas about the international protection of human rights. Studies of attitudes and knowledge about the UN typically conclude that children perceive it as an organization which feeds the hungry and tries to make peace. The ideas of adolescents are somewhat more sophisticated. The absence of research concerning human rights in an international perspective may result from a tendency in this country to think about human rights exclusively in terms of the U.S. Bill of Rights.

Though the attitudes of young people toward war are nearly always negative, a perspective on its causes, knowledge of ways in which it may be prevented, and skills in conflict resolution appear to be less common. In many respects students' perspective on war is tied to other aspects of international socialization. In the child's mind justification of war may be linked with strong feelings of nationalism and a desire to preserve the nation's well-being from outside threat. Perception of other countries as hostile and power-seeking may serve as a justification for war. The awareness that people in some parts of the world are denied fundamental human rights and know of no other method than active rebellion by which to seek justice, introduces a more complex dimension into the thinking of older students. Perhaps education toward respect for human rights for all peoples of the world should be thought of as the most important component of education for peace and international understanding.

Action to improve education must take place on all levels of instruction and in a variety of modes. An international or intercultural dimension should be an explicit and implicit part of classroom functioning. There appears to be no reason why the global perspective cannot be fostered through many subjects of study without detracting from the mastery of prescribed subject matter. But teachers need special preparation for these new roles which will help them to utilize not only available materials but also possibilities for meaningful interaction among students and between student and teacher. The practice of patriotic rituals and the imparting of factual material will need to be supplemented by more dynamic discussion. Materials of instruction dealing with other countries should be improved and brought up to date. Research on children's understanding of international human rights is needed to serve as the basis for materials concerned with this subject.

The UNESCO Recommendation has given the appropriate breadth of focus. In listing areas of action it has specifically recognized the importance of materials and methods "attuned to the needs and aspirations of the participating young people and adults." A new course here or a new extra-curricular project there will not even approximate the degree of understanding of other peoples of the world, their problems and aspirations which will be needed by present-day students to become well-balanced and socially effective adults.

Chapter Six: FOOTNOTES

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52. *Id.* at p. 325.

53. A. Bellak, *The Language of the Classroom*, (New York: Teachers College Press, 1966).

54. M.A. Riestra & C.E. Johnson, "Changes in Attitudes of Elementary School Pupils Toward Foreign-Speaking Peoples Resulting from the Study of a Foreign Language," *Journal of Experimental Education*, vol. 32, pp. 65-72 (1964).

CHAPTER SEVEN

Selected Student Materials: A Review and Evaluation

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I. INTRODUCTION

The purpose of this chapter is to provide a critical review of selected student materials dealing with the four principal topics (international understanding, cooperation, peace and human rights) of the UNESCO Recommendation. This effort is intended to help classroom teachers, curriculum writers, administrators and policymakers locate effective student materials and identify existing needs. The chapter contains suggestions for background readings followed by detailed information about materials for students that deal with the principal topics of the UNESCO Recommendation. The brief review of each book or pamphlet suggested for classroom usage includes a content description and evaluation as well as other useful information.

The reviews found in this chapter are organized into five sections. The first presents reviews of teaching materials that address in a reasonably integrated fashion all topics of the UNESCO Recommendation. The remaining sections review materials for students that deal with only one of the four principal topics of the UNESCO Recommendation. The chapter concludes with suggestions on how to organize these materials for use in a single course and on how to integrate them into existing courses.

II. BACKGROUND READINGS

The preceding chapters of this book contain specialized background information on all of the principal topics of the UNESCO Recommendation as well as helpful bibliographic references. The chapters dealing with international human rights are, moreover, designed to provide the non-specialist with accurate up-to-date information on this subject and citations to leading books and articles in the field.

An international relations text providing useful and concise background information on international cooperation is K.J. Holsti, *International Politics* (Englewood Cliffs, N.J.: Prentice Hall, 1972). I know of no recent book summarizing peace research, but a good, thorough reader is *Peace and War* by Charles R. Beitz and Theodore Herman (San Francisco: W.H. Freeman, 1973). Herbert J. Abraham's *World Problems in the Classroom: A Teacher's Guide to some United Nations Tasks* (Paris: UNESCO, 1973) is a first rate source of information on United Nations activities involving international peace, human rights, and related economic and social problems. Stimulating analytical questions appropriate for classroom discussion are included in each chapter of Abraham's book. *Some Suggestions on Teaching about Human Rights* (authored and published by UNESCO, Paris, 1968) is thorough, but partially outdated. The same is true of *A Guide to Human Rights Education* by Paul D. Hines and Leslie Wood (National Council for the Social Studies, Bulletin 43, 1969). Both books contain valuable bibliographic information and the texts of major human rights documents. Another more narrowly focused source is *Apartheid: Its Effects on Education, Science, Culture, and Information* (Paris: UNESCO, 1972). The development of international human rights instruments and an excellent introduction to the subject as a whole are included in Louis B. Sohn, "A Short History of United Nations Documents on Human Rights," in *The United Nations and Human Rights* pp. 39-186 (18th Report of the Comm'n to Study the Organization of Peace, 1968), available from Oceana Publications, Inc., Dobbs Ferry, N.Y. A non-technical work on international law, written for high school students but also appropriate for teachers who wish a general introduction to international law and organizations, is Richard Deming's *Man and the World, International Law at Work,* (New York: Hawthorn Books, 1974). William Nesbitt and Andrea Karl's *Teaching Interdependence: Exploring Global Challenge Through Data* (New York: Center for International Programs, 1975) is a good source of data for use in inquiry teaching methods.

In addition to those works, there are other books which deal primarily with the teaching of peace and justice. For example, Christoph Wulf's *Handbook on Peace Education* (1974; available from the Institute for World Order, New York, N.Y.) is a collection of essays by scholars from various countries discussing peace education from a number of different perspectives. William Nesbitt's *Teaching about War and War Prevention* (N.Y.: T.Y. Crowell, 1971) performs a similar task, although its approach is more practical without, however, being unscholarly. *Learning Peace* by Grace Abrams and Fran Schmidt (Philadelphia: Jane Addams Peace Ass'n, 1972) is a fine junior high school resource unit on the same subject. The National Education Association has recently prepared a most useful list of materials related to global interdependence. It includes media programs and simulation games in addition to the student materials reviewed in this chapter. The list is reproduced in the Appendix.

A periodical for teachers that focuses on peace and justice is *Intercom* (Center for War/Peace Studies, 218 E. 18 St., New York, N.Y. 10003). It contains complete lesson plans which are suitable for students of all ability levels. This journal also provides teachers with current information about peace and justice issues and alerts them to new teaching materials.

III. REVIEWS OF TEACHING MATERIALS

A. Review Criteria

Six sets of criteria have determined the choice of the materials selected for review in this chapter. First, global education criteria were applied to ascertain whether the material is truly global in its perspective; that is, whether it helps students see the world as an interacting social system. Second, criteria derived from the social studies reform movement of the last decade were taken into account by inquiring whether several cognitive and affective levels are covered, whether a variety of disciplines are drawn upon, and whether different presentation styles are used. Third, the selection was also influenced by more traditional educational criteria which are concerned with the question whether the material is interesting and promotes a love of knowledge (*e.g.*,history as story telling), and whether discussion questions that are likely to pool ignorance are avoided. Fourth, criteria commonly used in textbook selection and adoption which look to the appropriateness of the reading level, whether the material is up-to-date, whether the non-print material is attractive, etc., were also taken into account. Fifth, teacher-acceptability was another relevant criterion, for example, whether teachers will order the materials, whether they are too expensive or contain unduly lengthy items on single topics. Finally, the value of any curriculum material depends in part upon the assumptions of its authors. The final set of criteria upon which the selection has been based therefore concerns the appropriateness of these assumptions judged in terms of whether they promote the principles of the UNESCO Recommendation.

The trouble with using a complicated set of criteria like the above is that none of the suggested materials measure up to all of them. Due to space limitations, moreover, some good materials that meet these criteria may have been omitted.* Teachers may also find that the materials reviewed and categorized in one way here may be useful in their own classroom for purposes not anticipated in this chapter.

B. Materials Covering All Four Topics of the UNESCO Recommendation

1. Peacemaking: A Guide to Conflict Resolution for Individuals, Groups, and Nations (paperback with Teachers' Guide).

Barbara Stanford
Bantam, 666 Fifth Ave., New York, N.Y. 10019
1976; grades 9—12, 320 pages.

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* See, in this connection, the NEA Peace Studies Exposition List of Materials reproduced in the Appendix to this book.

Note: The reading level is at the 8th grade or below for about half of the book and at the upper high school level for the rest. Applicable for nearly all courses since all social science disciplines and history are represented.

Description and evaluation. This is a book of readings with exercises. It contains materials that is interesting, accurate, and sophisticated. It is the most recent, and one of few, curricula that provides a thorough treatment of the principal topics of the UNESCO Recommendation.

This book deals with conflict resolution (including nonviolence), aggression, global identity, force and diplomacy, reorganizing society, and what the individual can do for peace. Human rights, however, receive only minimal coverage.

One of Stanford's assumptions for developing materials is that students will themselves want to make changes in their own ways of thinking and behaving. Thus an exercise suggested for reducing racial prejudice, for example, explicitly invites students to examine their own attitudes on this issue.

Because this reader is a survey, the teacher may wish to add depth and additional points of view by using the sources listed in the bibliography.

2. *Public Issues Series/Harvard Social Studies Project*
30 pamphlets (available separately) 50¢ apiece
General teachers' guide and individual ones, including tests (free).

Donald W. Oliver and Fred M. Newmann
Xerox Education Publications
Education Center, Columbus, Ohio 43216.
1967 — 1972;pp. 64 and 48 @ pamphlet; grades 7 — 9 for average students; grades 9 — 12 for all students.

Note: Appropriate for all social studies subjects except psychology and economics. U.S. history is stressed.

Description and evaluation. This curriculum contains a broad selection of case materials dealing with the ideas basic to a liberal education and raises issues about them which have persisted through history; this has kept the series from becoming dated.

This series teaches a value justification procedure which can help students make choices concerning the subjects of the UNESCO Recommendation. Moral issues are broken down to encourage students to choose between two good values in seeking a solution to a problem, rather than following the too frequently used method of having students reason out moral issues by pitting "good" values against "evil" ones. Issues are also broken down into factual, definitional, and prescriptive ones.

The discussion questions in these materials start with a highly specific instance and then proceed to a more general issue, often by means of imaginative analogies. The materials include case studies and several role playing games. Many of the readings are taken from recent classics. What makes this curriculum particularly useful are the thoroughly researched historical, fictional and journalistic accounts which were found interesting by students in trial teaching situations.

Four of the pamphlets in this series were prepared as a unit on international conflict control. They are entitled *The Limits of War, Revolution and World Politics, Organizations Among Nations*, and *Diplomacy and International Law*. This unit deals with international conflict control and includes such topics as non-violence, the causes of war, successful practices in avoiding war, and proposals for internaional structural changes.

Other pamphlets in the series, *Communist China, Colonial Africa: The Kenya Experience* deal with different cultures. Still others, for example, *Status* and *The Age of Jackson*, are concerned with human rights issues and egalitarianism. Human rights material is also included in a section on *Religious Freedom* which focuses on early Christian martyrs and shows what it was like when people who professed beliefs similar to those held by many students today were denied their rights. Another case, discussed in *Diplomacy and International Law*, deals with *apartheid* in Namibia. It requires students to apply the Universal Declaration of Human Rights to judge conditions in Namibia and then invites them to apply the same standard to conditions in their own country.

Several assumptions about the learning process as it relates to international education underlie this series of materials. Among these are, first, that international problems can be considered most effectively if broken down into specific issues and taken up one at a time; second, that concern for human rights issues and for people of other cultures is likely to develop out of sympathy for real or ficitional characters; and third, that through guided class discussions students will learn to make analytic distinctions, reason carefully, and therefore make wiser decisions regarding international matters.

Teachers must, however, be alerted to problems inherent in this curriculum. It stresses questions dealing with policy, and demands a high level of moral maturity on the part of students when they grapple with the dilemmas presented by the discussion questions. The curriculum, furthermore, attempts to teach both reasoning and subject matter simultaneously.

3. *Peacekeeping* (paperback) by Jack Fraenkel, Margaret Carter, and Betty Reardon, 1973, 90 pages, 99¢, grades 8 — 12.

The Struggle for Human Rights (paperback), same authors, 1975, 71 pages, 99¢, grades 8 — 12.

The Cold War and Beyond (paperback), by Lawrence Metcalf, Betty Reardon, and Curtis Colby, 1975, 71 pages, grades 8 — 12.

War Criminals, War Victims (paperback) by Betty Reardon et al, 1974, 57 pages, 99¢, grades 8 —12.

Note: Teachers' manuals for each 66¢; minimum order 10 copies. This unified program comes from two series. The first two titles are from *Perspectives in World Order*, Jack Fraenkel, series editor. The second two titles are from *Crises in World Order*, Lawrence Metcalf, series editor. Random House, Dept E3, 400 Hahn Rd., Westminister, Md. 21157. Appropriate for courses in current affairs, law, government, modern world history, and peace studies.

Description and evaluation. This series of books, produced in cooperation with the Institute for World Order, is comprehensive enough to serve most of the purposes of the UNESCO Recommendation and does so more fully in some ways than other materials reviewed in this chapter. Five values underlie this series: limiting violence, raising levels of economic welfare, expanding social justice, broadening opportunities for people to participate in public policy-making, and achieving global ecological balance.

The underlying concept of these books is global system change. The teaching method consists of five steps. Students are first guided in examining the nature of the existing international system. Next they are asked to consider what life might be like if present trends continue. This step is followed by an effort to have students explore how to deal with trends they disapprove of. Thereafter students attempt to test the proposals for resolving crisis situations that the case studies provide. The final step consists of an exploration of possible methods to implement the various proposals.

What is most exciting about this series is that it enables students who are dissatisfied with the present international system to examine some specific alternatives to it. Conceptually, this series is also among the most advanced in dealing with the topics of the UNESCO Recommendation. At the same time, its reading level is simple.

Most of the books in this series contain complete historical, current or futuristic case studies. However, the teachers will need to supplement the transitional sections with materials that suggest methods for bringing about change.

Turning now to the individual books in this series, it should be noted that *The Struggle for Human Rights* is the only thorough curriculum I know on this subject. The quality is high. The book develops a sense of what human dignity means by describing its opposite, for example, the untouchable system of India. It deals with the concept of human rights by describing violations of human rights, including mistaken or illegal police raids on people's homes. Another section deals with possible future international human rights developments and has students consider proposals for a world writ of *habeas corpus* and a world ombudsman.

The format of this book consists of well integrated text material and quoted news items. Its high level of interest stems from a sense of outrage that is generated by the described violations of human rights, many of which are unfamiliar to high school students. Moreover, the book assumes that the reader is mature enough to grasp sophisticated concepts and yet the writing is simple, which is a rare combination in curriculum materials.

One way in which this book carries out the UNESCO Recommendation is that it provides information about individuals and groups who have worked to improve situations in which human rights have been violated. For example, a group of high school students in Northport, New York, joined Amnesty International. Just as many other members of that human rights organization were doing at the time, these students wrote to East German officials urging that a political prisoner be released. The prisoner *was* eventually released. Another example is the work of the New York City Human Rights Commission and the European Commission of Human Rights.

The learning dynamics suggested by this material reflect the standard approach of the new social studies teaching method. The concept, human rights, is thoroughly taught through inquiry as well as values clarification and justification.

The second book in the above series, *The Cold War and Beyond*, begins by pointing out certain strengths and weaknesses of the bipolar international system. For example, major war has been avoided, but sometimes when two crises occurred at once, the system was overloaded, which was the case during the Suez and Hungarian conflicts of 1956. This book discusses several proposed international systems, including one envisaging a concert of the world (resembling the 19th century Concert of Europe) and a system of world law. Background materials for the study of these systems deal mainly with the Hungarian invasion, the Cuban missile crisis, and the 1973 Arab-Israeli conflict. This book generates interest through well described cases and suggests alternatives to the present international system.

The third book in the series, *War Criminals, War Victims*, describes cases which indicate what consequences may follow from the failure of individuals to object to injustice and brutality. It indicates case studies of people ordered to shoot innocent civilians, people who discovered immoral top secrets in government documents, and people who were opposed to a war but did not meet the criteria for conscientious-objector status to avoid serving in it. The four war crimes cases presented deal with the trial of the commander of the Andersonville prisoner of war camp after the Civil War, the Nuremberg trials, the *Shimoda* case (related to the Hiroshima bombing), and the My Lai massacre. One of the most valuable sections of this book discusses the so-called Nuremberg Principles and the norms which emerged from trials of the Nazi war criminals.

The interest of this book lies in the cases themselves. Intriguing discussion questions are included and international law is shown to have a greater impact than most students realize. It provides an excellent, clear and short (57 pages) account of the growth of international law and effectively integrates the four principal concerns of the UNESCO Recommendation. No other item reviewed in this chapter does this as well.

The teaching method suggested for presenting this material requires that students be confronted with dilemmas that their present belief systems will not handle. The assumption of this method is that the approach it prescribes will develop the students' belief systems to such a degree that they will be able to cope with the dilemmas they are likely to encounter in real life.

C. Materials on International Understanding

1. *The Human Experience* (hardcover) $11.56, 624 pages; 1974, Subtitles (available separately in paperback, $1.86 @ copy): *Human Origins; The Economics of Survival; Cities through Time; Communicating across Time and Space; The World of the Family; Rules, Rights and Revolutions; The Scientific Spirit; The Artistic Imagination*

David Weitzman and Richard Gross.
Houghton Mifflin, Hopewell-Pennington Rd., Hopewell, N.J. 08525.
Grades 9 — 12; 6th grade reading level and above.

Note: Appropriate for world history. Individual booklets for economics and humanities.

Description and evaluation. The Human Experience is a curriculum so exciting that it made me want to go back to high school. The authors have the rare gift of being able to take some of the most significant ideas to be drawn from a liberal college education and make them interesting and comprehensible both to their low reading-level students in an inner city technical high school and to me. Their book is appropriate for students of all levels of intelligence. Weitzman and Gross have included material that appeals to turned-off students. They start with the assumption that their students will not go on to college and consequently believe that their task should be to expose these students to the great ideas of world culture rather than giving background for later education.

The authors aid in the development of international understanding by infusing the book with the idea that the "unusual" contains elements of universality, logic, and value. This technique is as old as classical literature, yet is used rather self-consciously and incidentally in curriculum materials. An imaginary conversation between a girl from India and one from the United States illustrates this technique. The Indian asks, "So a shy girl who doesn't push herself forward might not be able to get married (in the United States)? Does that happen?" "Sometimes," replies the girl from the United States. "In our system we girls don't have to worry at all. We know we'll get married," says the Indian.

Following the development of this theme a discussion question asks, "Would you trust your parents to choose a mate for you?" The typical response will be, "No," *in spite* of the reading. Then the clincher comes: "Can you think of circumstances that would cause you to insist on having a say as to whom your son or daughter is to marry?" Many people will answer "Yes", *because* of the reading. But the answer, in turn, requires a clarification of values, aided by contrasting one's own to the values of another culture.

The learning psychology developed in Weitzman and Gross' book is a traditional one. The reader is first given a sense of awe, then of significance, and finally an important concept is applied. This book, more than any other reviewed here, conveys a broad respect for humanity.

The teacher may want to add modern parallels to some of the material. The teacher may also wish to include more material dealing with human rights issues. For example, the book includes no reference to the Universal Declaration of Human Rights. Also lacking are significant discussion questions relating to the U.S. Bill of Rights.

2. *World Inquiry Series* (paperback)
Africa, Stephen Marvin, 1969, $2.28
Asia, Daniel Birch, Robin J. McKeown, David Weitzman, 1969, $2.28.
Europe, Stephen R. Holman, Alfred Jamieson, Robin J. McKeown, 1973, $2.28.
Latin America, Alfred Jamieson, 1969, $2.28.
Progress tests on duplicating masters, $9.75.
Sample kit — $17.94
Sample kit of tests — 90¢
Field Education Publications, 2400 Hanover St., Palo Alto, Calif. 94304.
Teachers' guides for each title; 90¢ 160 pages per title; grades 7 — 12 (reading level mostly grade 5.0).

Note: Appropriate for area studies, and world history. This series could fill out a Western-oriented world history text. Each book in the series contains twenty-five readings with questions; each reading can be completed in one 45-50 minute class period.

Description and evaluation. The *World Inquiry Series* is one of few curricula that helps build a sense of respect for people of foreign countries by pointing out their positive characteristics. It also includes basic information about each of the continents studied and stresses historical events. For example, the trial of Socrates is used to raise questions about the best size for a jury.

This curriculum attempts to develop in students an understanding of international relations by concentrating on issues that relate directly to that topic. For example, the book on Latin America lists a chronology of events that led Latin Americans to resent the United States. To help students gain respect for other cultures, this series includes descriptions of specific behavioral patterns, such as the way in which the Chinese combine productive work and learning at the elementary school level. In trying to have students feel a part of another culture the book on Asia, for example, describes the various forms of beauty admired by the Japanese. In answer to the question about what the United States can do for other countries, the book on Latin America describes how a new form of potatoes was introduced to Peru and what was done with the profits from the sale of the potatoes.

The learning dynamics of this series show students how specific historical events may be interrelated and how they influence contemporary events. The book's universalism and the historical emphasis of the series has kept it from becoming outdated.

3. *Learning about Peoples and Cultures* (paperback) 119 pages, 1974, $2.79.
Seymour Fersh, ed.
McDougal Littell & Co., Box 1667, Evanson, Ill. 60204.
Teachers' guide 96¢; grades 10 — 11.

Note: Appropriate for area study courses.

Description and evaluation. This book attempts to teach students to avoid condemning other cultures because they are different. It tries to combat ethnocentrism, for example, by relating a Mark Twain story that describes the earth as a wart in the universe and by presenting an account on "Nacirema" (American spelled backwards) that indicates how bizarre the United States might look to someone from another culture. The author attempts to help students to relate to people of different cultures by explaining differences which at first glance might seem offensive to Americans. To help students gain respect for differing customs the author points out their functional similarity to American ways of doing things. But although this book concentrates on building respect for differences, it scarcely mentions themes which deal with common humanity; nor does it point out the advantages of the various customs that are described, which also need to find their way into international curricula.

This book is interesting and stimulating. The learning dynamics employed by this book are the discovery method followed by a statement of what the author hopes the students will conclude. His straightforward manner sometimes takes on a preaching quality which teachers may wish to counteract. A strong respect for cultural achievement permeates this book; not adequately explored are questions about human dignity unrelated to great cultural achievement.

4. *Perception/Misperception: China/USA, 1975, $175.00.*
5 filmstrips with 5 cassette tapes
8 role playing cards
30 student booklets
David C. King
Teachers' guide; grades 9 — 12
Schloat Publications (Prepared by the Center for War/Peace Studies) 150 White Plains Rd., Tarrytown, N.Y. 10591.

Note: Takes up to 6 weeks to teach. Appropriate for area studies and psychology courses or for a race relations unit.

Description and evaluation. This curriculum attempts to teach students to avoid stereotyping and condemning people from different cultures. Elaborate material is presented on the psychology of misperception and on the history of ways in which China and the United States developed hostilities towards one another. After the students have been placed in a frame of mind to avoid stereotyping, material on contemporary China that might tempt them to stereotype is presented. This is a clever and effective teaching method, particularly because it is accompanied by fascinating visual material.

Student interest is generated through the use of misperception exercises and a thorough role playing exercise on collectivism versus individualism. The book also explores the dilemma inherent in China's accomplishments and the regimentation that was required to achieve them, which is likely to be interesting for the student. This curriculum in somewhat limited in scope and therefore should be supplemented with additional policy-oriented materials.

D. Materials on International Cooperation

1. Very few materials are available that deal exclusively with the topic of international cooperation. Some parts of the previously reviewed curricula would be useful, however, in developing this theme. Two good examples are *Organizations among Nations* and *Diplomacy and International Law* from the Oliver-Newmann series. They contain interesting case material, discussion questions, and a simulation game that raises questions about disarmament. These books deal, among other topics, with the Concert of Europe, the League of Nations, the United Nations, and the Organization of American States.

2. *Simulating Social Conflict* (pamphlet) 21 pages, 10-pack: $5.97, 1971.
Prepared by Sociological Resources for the Social Studies Episodes in Social Inquiry Series, sponsored by the American Sociological Association.
Robert C. Angell and Robert A. Feldmesser, Project Directors
Allyn & Bacon, 470 Atlantic Ave., Boston, Mass. 02210
Instructors' guide, $1.59; grades 10 — 12; average reading level.

Note: Appropriate for courses in sociology, current affairs, government, psychology, and peace studies. Seven days is the expected teaching time, which can be broken up.

Description and evaluation. Using examples ranging from cold war to labor management disputes, this material demonstrates what happens when both parties to a dispute negotiate without trusting each other. The pamphlet also suggests several ways to overcome this problem, including the development of a more effective communication system and methods for the gradual reduction of tension between adversaries.

The learning dynamics of this curriculum are called "pondered involvement" and involve simulation exercises designed to get the students to find ways to maximize payoffs through trust or pay the price for getting caught in situations in which both sides lose. Three simulation exercises are included in this pamphlet. One involves an arms race, the second a competition between businessmen, and the third a power struggle between tribes. These simulation exercises and subsequent class discussions should help students learn about real-life situations involving winning, losing, cooperation and/or trust, and some of the concepts regarding methods for building trust and cooperation.

This pamphlet is part of a larger series that contains materials devoted to sociological topics and methodological procedures. The pamphlets were initially written by sociologists, rewritten by high school teachers, and later revised on the basis of field tests involving 9,000 students and 200 teachers.

3. *Patterns of Human Conflict* $92.00, 1973.
3 filmstrips, 2 tape cassettes, 35 student booklets.
Prepared by the Center for War/Peace Studies Schloat, Inc.,
150 White Plains Rd., Tarrytown, N.Y. 10591
Teachers' guide; grade 8 — junior college.

Note: Appropriate for courses in U.S. and world history, government, psychology, sociology, anthropology, world cultures, and peace studies.

Description and evaluation. This filmstrip-tape program won one of *Learning Magazine's* "best of the year" awards (December, 1974) after being reviewed by teachers, librarians, and scholars. The program begins by alerting students to how extensive conflict is and then involves them in problem-solving activities. Students first view filmstrips that may or may not involve individual, community, national, or global conflict. On the basis of what they see, they attempt to define the term "conflict" and thereafter simulate a community conflict situation. This program should enable students to learn the meaning of conflict, to become aware of its causes, and to consider methods for turning conflict into cooperation.

E. Materials on Peace

1. *War and War Prevention* (paperback) $2.36; 1974; 141 pages.
Joseph and Roberta Moore
Hayden American Values Series, Jack Nelson, series editor
Hayden Co., 50 Essex St., Rochelle Park, N.J. 07662
Grades 10 — 12.

Note: Appropriate for current affairs courses, supplementary material for courses that deal with wars, and for minicourses on peace. Includes a list of colleges offering courses on peace studies.

Description and evaluation. This book fully covers the subjects of peace and war. Causes of war are discussed and suggestions for the prevention of war are made. It also contains material suitable for teaching about the nature of law and government as well as material requiring students to establish their own government in simulated situations (*e.g.*, for a group of survivors from an airplane crash on a desert island.)

This book takes a global approach. In an effort to make students understand war-prevention, the authors describe threats to peace that appear to be very difficult to deal with. The students are then made aware of a number of plausible solutions and asked to develop their own solutions. To quote from the introduction of the editor of this series, the learning dynamics of this approach include the following components:

(1) Case studies illustrating the issue by focusing on human situations;
(2) Factual information about the issue which can be used as evidence in

> making social decisions; (3) Divergent views and opposing value judgments showing a variety of values involved in solving the issues; (4) Futuristic scenarios illustrating possible consequences of social decisions in future human situations; (5) Suggestions for involvement in the issue and the decisions; (6) Recommendation for further study.

Although the discussion questions often simply ask whether or not the student agrees with the text, some are quite imaginative (*e.g.*, students are asked to explain war to someone from a culture that does not have it). The authors assume adult attitudes in students without expecting too much — a very refreshing perspective successfully carried out.

Teachers may need to correct for the bias towards long-term war preventives of a non-deterrent nature. It would also be extremely useful to provide materials on crisis situations in which the proposed peace plans can be tested.

2. *World Order* (paperback) 1968; 78 pages; $1.89; Color slides for this unit $8.25; Teachers' Manual $1.65; 9 titles, ea. @ 75 pages
Byron G. Massialas, Jack Zevin
From World History Through Inquiry Series, same authors
Rand McNally & Co., 8255 N. Central Park, Skokie, Ill. 60076.

Note: Grades 9 — 12; appropriate for world history, political science, and peace studies courses.

Description and evaluation. The Massialas & Zevin curriculum raises peace questions, contains material covering topics that have become increasingly important, and avoids problems sometimes associated with inquiry teaching.

This particular book is the political science-oriented part of a larger series that constitutes a full world-history program for senior high school students. It consists of selected documents, news items, maps, graphs, photographs, poems, cartoons, fictional material, etc. Selections from old news magazines are sometimes used to give the reader a sense of the political climate of the time and to generate suspense which comes from reading dispatches written before it is known what the outcome of a given event will be.

The Massialas & Zevin booklet is not outdated even though it was published in 1968. The authors did an amazing job of selecting materials whose importance has not diminished over the years. The inclusion of the Sakharov peace program is a good example.

The inquiry approach is carried out in these materials by giving students significant issues to look for in the various selections and by open ended discussion questions. This book not only presents exciting case studies; it also raises critical issues.

3. *The Analysis of Public Issues Program* (paperback) 1973.
Decision Making in a Democracy (text, 442 pages) $4.80; Instructors' manual, $8.97; Audio Visual kits, $75.00; Handout sheets, $28.50; Sample kit, $15.51; Problem booklets, $1.98; Teachers' guides to problem booklets, $.78; Total, $135.54.

James P. Shaver, Guy A. Larkins
Houghton Mifflin, Hopewell-Pennington Road, Hopewell, N.J. 08525.

Note: Grades 10 — 12, appropriate for current problems courses or as an introduction to any social studies course to teach reasoning methods.

Description and evaluation. One way to educate for peace is to teach possible peace policies and methods of reasoning for choosing between them. This book performs the latter task in a fascinating way. This is the only program other than the one by Oliver-Newmann which teaches a full range of reasoning methods. The reasoning methods in this program are explicitly spelled out and include judging accuracy, decision-making, drawing distinctions between types of values and conflicts, and qualifying decisions.

This program covers all the social sciences as well as history. It also treats a limited number of international and human rights issues (*e.g.*, the killing of civilians in Vietnam, the "Pueblo" incident, student rights cases, and the conflict in Northern Ireland).

This book is particularly interesting because the authors have selected current events to exemplify each reasoning method, and because the reasoning methods are valuable in themselves. Teachers wishing to cover the subject matter of this material and the reasoning methods must recognize, however, that many students have great difficulty handling both at the same time.

4. *Gandhi* (paperback) 10-pack orders: $9.00; 64 pages, Teachers' guide — 90¢, 1969.
Daniel Birch, D. Ian Allen
Asian Studies Inquiry Program, John U. Michaelis and Robin McKeown, project directors
Addison Wesley, Jacob Way, Reading, Mass. 01867.

Note: Grades 9 — 12; average reading level or above; appropriate for world history, current problems and government courses.

Description and evaluation. Non-violence is an essential topic of peace studies and Gandhi is one of the most eminent peace heroes. Therefore, any study of peace should include a description of his work and his philosophy. This pamphlet does this task well. It contains quotes from Gandhi, gives an action-filled account of the famous salt march, describes Gandhi's campaigns on behalf of the untouchables of India and reports on his early efforts to obtain human rights for Indians living in South Africa. What is remarkable about this booklet is that it convinces the reader that achievements which many students believe can be attained only by violent means are attainable through non-violence.

The learning dynamic of this study consists of taking a new principle, non-violence, trying to convince students to oppose violence more than they did before, and having students practice non-violence. Teachers will need to guard against the tendency of students to conclude that non-violence is applicable only in a Hindu culture.

F. Materials on Human Rights

Note: A number of curriculum programs discussed in the preceding sections of this chapter deal with human rights issues and should be consulted to supplement the materials that are discussed in this section.

1. *Focusing on Global Poverty and Development: A Resource Book for Educators* (looseleaf notebook); $12.00 (One can buy one copy and read sections aloud or reproduce them.); 630 pages (most of which are 1-4 page excerpts of readings).

Jayne C. Millar
Overseas Development Council
1717 Mass. Ave., N.W., Washington, D.C. 20036

Note: Grades 9 — 12; average reading level or above. Appropriate for current affairs, world or U.S. history, economics, sociology, government, and anthropology courses.

Description and evaluation. This book explores the extent and effect of poverty, illiteracy and related problems existing both in the United States and abroad. It describes current efforts to deal with these problems and demonstrates that they are global in nature. The book contains excerpts of readings, charts, a film list, teaching suggestions, and background information for teachers. Millar's approach is to develop in students a feeling of compassion and guilt for people whose plight is due to economic underdevelopment and to make it possible for students to gain experience dealing with such problems.

Although this book covers critical human rights issues, among them the right to life, to work and to an adequate standard of living, teachers may want to supplement it with materials that explore the causes of underdevelopment in greater depth.

Millar's book is impressive because it contains very effectively selected excerpts from available materials which have a strong impact on the reader. For example, one reading tells what would have to be subtracted from a middle class American home to have it resemble the home of a poor family in an underdeveloped country.

Some of the questions included in this book are very broad (*e.g.*, "what is the meaning of change?"). Teachers will have to make them more specific in order to provoke a meaningful discussion. But this book contains many useful resources and is simplified by a directory of materials applicable to whatever social studies subject the teacher may be teaching.

2. *Great Cases of the Supreme Court* (paperback) 131 pages; 1975; $3.96 Decisions supplement 57¢.
Teachers' guide $2.16; grades 7 — 8 (suitable for senior high school)
Vital Issues of the Constitution (paperback), 150 pages, $4.40; 1976; Grades 11 — 12 (9th grade reading level) Decisions supplement 99¢.
Instructors' guide $2.22
Robert H. Ratcliffe, General Editor

Part of the Trailmarks of Liberty Series (Prepared by Law in American Society).
Houghton Mifflin Co., Hopewell-Pennington Road, Hopewell, N.J. 08525

Note: Appropriate for courses in government, U.S. history, law, and current problems. Can be used as a supplement or a major text.

Description and evaluation. These two very similar books present several dozen actual court cases and relevant historical background dealing for the most part with the rights of the individual. As presented, each case is approximately one half to two pages in length, with the actual court decisions being reprinted in a separate book. This enables students to argue the cases before learning how they were actually decided. Since the policy concerns of the opposing sides are included in the text, students will not have an opportunity to work them out for themselves. They will, however, learn from making the policy choices that judges make. The case studies enable students to learn to examine facts in a legal dispute, to see how the U.S. Constitution and laws would be applied by the opposing sides to a dispute, and to find out what legal considerations determine the judgment in a case.

The cases included in these books are interesting because they either involve policy dilemmas or outrageous lower court decisions. In the latter category, for example, is the *Gault* case, involving a lower court decision holding that juvenile offenders are not entitled to legal counsel, which was subsequently reversed by the U.S. Supreme Court.

In the "Trailmarks" series, discussion questions break the case studies down issue by issue. They are preceded by hypothetical situations showing the relevance of the issues for young people. Mock trial procedures are described and a sample script is provided to indicate how to run such trials. Most of the cases deal with criminal and constitutional law matters, which should enable students to learn about their rights and gain insights into the processes through which these rights are protected. The materials included in this series were trial-taught and modified in the light of that experience.

All in all, these books provide material on human rights issues which will allow students to learn through the excitement of controversy, practice in role playing, and opportunities for pitting one policy concern against another. But teachers may want to add some international human rights material to avoid reinforcing students' impression that only the U.S. seeks to protect individual rights.

3. *Dissent and Protest* (paperback); 1974; 150 pages.
David C. Naylor
Hayden American Values Series, Jack Nelson, editor.
Hayden Book Co., 50 Essex St., Rochelle Park, N.J. 07662.

Note: Grades 10 — 12. The reading level is quite difficult because of the vocabulary and because of what it requires the student to remember as he reads. Appropriate for U.S. history, sociology, and current affairs courses. See Section E1 for the teaching procedure employed in this book.

Description and evaluation. This book achieves a balance between politically "safe" superficiality and a radicalism that might threaten a teacher's job. The materials presented include personal stories (*e.g.*, that of Rosa Parks who sparked the Montgomery bus boycott) and narratives of historical events (*e.g.*, the dissent displayed by American colonists against their homelands). The author is critical of dissent for dissent's sake and dissent resulting from personal immaturity. Court cases in which dissent might be restricted are presented and provide role playing possibilities. Surveys concerning the attitudes of people toward various forms of dissent are also included.

This book is interesting because of the dilemmas it raises (*e.g.*, obedience versus conscience) and because of its dramatic presentations of injustices. The book assumes that students can decide what is wrong in society and consider which problems merit dissent. Famous precedents for dissent are described and limits for excessive dissent are proposed. This book will probably succeed in convincing students that dissent has a place in our society and should help them develop criteria for its use. The teacher may wish to add material on strategies for dissent.

4. *The Rights of Women* (paperback) $2.36; 1974; 136 pages.
Sylvia Feldman
Hayden American Values Series, Jack Nelson, editor.
Hayden Book Co., 50 Essex St., Rochelle Park, N.J. 07662.

Note: Senior high school level. Appropriate for U.S. history, sociology, and women's studies courses. In history courses the book could be used to deal with the struggle for women's rights and with human rights in general.

Definition and evaluation. This book begins with three personalized accounts of women in crises situations and five pages of narrative history. It deals with the status of women, discusses some aspects of the development of sex roles during childhood, and provides information concerning salary discrimination.

The Rights of Women stands on its own as information and because of the "shock effect" it will have on kids. The book tries to raise students' consciousness as well as develop in them a sense of shame regarding the denial of women's rights. It contains fascinating facts (*e.g.*, heavier penalties tend to be given to female criminal offenders than to males committing the same crimes), and assumes that its readers are mature individuals. Suggestions for social action for school reform are presented in the activities section. The teacher may want to supplement the discussion questions and add current international material on women's rights.

IV. SELECTING AND COMBINING THE MATERIALS

Which of the materials reviewed above seem best for various purposes? How might these materials be organized if more than one is used, particularly so that they may best be tailored to students' interests and levels of development? In dealing with these questions little attention will be paid to the grade-level labels attached to the materials, since many of them could be used at levels other than those for which they are recommended. This is an issue to be resolved by reference to the perceived needs of individual teachers.

Teachers who favor emphasizing projects for individual students would find it useful to obtain all or many of the materials reviewed here and to have students use them as reference materials. The teacher could, of course, also use them to package their own choice of curriculum or enrichment activities.

Teachers responsible for courses or units which do not explicitly deal with the four principal subjects of the UNESCO Recommendation may wish to select a more general text that addresses a wider range of topics. For example, Oliver & Newmann's *Public Issues Series/Harvard Social Studies Project* covers U.S. history and interdisciplinary concerns; Weitzman & Gross' *The Human Experience* and Massialas & Zevin's *Simulating Social Conflict* cover world history and interdisciplinary concerns. McKeown's *World Studies Inquiry Series* focuses on world history and intercultural studies.

The three sets of materials that cover all the topics suggested by the UNESCO Recommendation, Stanford, *Peacemaking: A Guide to Conflict Resolution for Individuals, Groups, and Nations*, Oliver & Newmann, *Public Issues Series/Harvard Social Studies Project*, and Fraenkel & Metcalf, *Peacekeeping*, are close to adequate in themselves and would simplify the choice. Each has a substantive and a pedagogic integrity that would be hard to match by experimenting with a patchwork of several materials. My own personal preference for a source on each of the topics of the UNESCO Recommendation would be Weitzman & Gross' *The Human Experience* for intercultural understanding or, for a shorter treatment, Fersh's *Learning about Peoples and Cultures*. For international cooperation, my preference would be *Patterns of Human Conflict* or *Organizations among Nations* and *Diplomacy and International Law* from the Oliver-Newmann series. My choice for dealing with peace issues would be Stanford's *Peacemaking: A Guide to Conflict Resolution for Individuals, Groups, and Nations*. The best curriculum on human rights issues is *The Struggle for Human Rights* (Fraenkel & Metcalf series).

It is also possible to organize these materials according to developmental stages. Junior high school students, for example, are particularly concerned with relating to friends and relatives. Help with this topic can be found in Stanford's *Peacemaking: A Guide to Conflict Resolution for Individuals, Groups, and Nations;* SRSS, *Simulating Social Conflict* and *Patterns of Human Conflict*. Senior high school students are more concerned with their own identity, or what they will hold as objects of fidelity (in Erik Erikson's terms). Teachers may therefore want to include materials which contain information on value clarification or descriptions of social movements and of peace heroes. Nearly all the materials reviewed in this chapter cover some of these subjects.

Since Lawrence Kohlberg's stages of moral and cognitive development are currently very popular among curriculum specialists, social studies departments may want to organize their materials according to those stages. They can be reduced to three levels. The first, concern for personal gain and avoidance of harm, is most straightforwardly handled by Stanford's *Peacemaking: A Guide to Conflict Resolution for Individuals, Groups, and Nations;* in *Patterns of Human Conflict* by the Center for War/Peace Studies; and in SRSS' *Simulating Social Conflict.* The second level, concern for accepted or conventional behavior here and abroad, is the focus of Weitzman & Gross' *The Human Experience;* McKeown's *World Studies Inquiry Series;* Ratcliffe's *Great Cases of the Supreme Court* and *Great Issues of the Constitution;* and Feldman's *The Rights of Women.* The third level, concern for higher principles, is dealt with in Stanford's *Peacemaking: A Guide to Conflict Resolution for Individuals, Groups, and Nations;* the Oliver & Newmann series; Fraenkel & Metcalf, *Peacekeeping;* Millar's *Focusing on Global Poverty and Development;* and Naylor's *Dissent and Protest.*

Other methods might also be explored in designing social studies programs. One approach would consist of providing students with high-interest level materials on one or more topics of the UNESCO Recommendation. Most of the books reviewed in this chapter are interesting, but only the most suitable parts should be selected to initiate the program. Another approach, particularly for younger people, would draw on the biographic material found, for example, in Birch & Allen's *Gandhi* and in the selections from McKeown's *World Studies Inquiry Series.* A third approach would attempt to develop a sense of outrage in students concerning problems of peace and justice. Most of the materials reviewed in this chapter include selections that could be used to achieve this goal and to create a desire in students to learn more about a given topic.

It is also possible to organize this material along attitudinal lines. Thus, stereotyping and prejudice are dealt with in Stanford's *Peacemaking: A Guide to Conflict Resolution for Individuals, Groups, and Nations;* Fersh's *Learning about Peoples and Cultures;* King's *Perception/Misperception: China/USA;* and Shaver & Larkins' *Analysis of Public Issues Program.* Jingoism or excessive chauvinism is treated by Stanford and in the Oliver & Newmann and Fraenkel & Metcalf series, as well as by all of the materials on intercultural understanding: Massialas-Zevin's *World Order;* Moores' *War and War Prevention,* Birch & Allen's *Gandhi;* and Millar's *Focusing on Global Poverty and Development.* Aggressiveness is discussed in *Peacemaking; Patterns of Human Conflict; Simulating Social Conflict; War and War Prevention;* and *Gandhi.*

Many teachers limit their teaching for peace to trying to develop more amicable individuals. These teachers should also consider demonstrating that socio-economic systems, not just aggressive individuals, can promote certain forms of violence and explore ways to change these defects. Materials that will help with this task can be found in Stanford, the Oliver & Newmann and Fraenkel & Metcalf series as well as in the books by King, Moore, Birch & Allen, and Millar.

V. CONCLUSION

In the field of international education, curricula have been strongly influenced by the trends of the new social studies movement. Our review also suggests that materials have been developed that are both interesting and understandable to a wide variety of students in terms of motivation and reading level. But, as we have seen, only three curricula have been found that integrate the four principal topics of the UNESCO Recommendation. Moreover, the coverage of international human rights issues is very limited, and the material concerning the United Nations and other international organizations is for the most part limited to structures rather than dynamic processes. Another need is for books that present the concept of globalism better than do existing materials.

CHAPTER EIGHT

Conclusions

The 1974 UNESCO Recommendation was drafted by government representatives of countries whose cultural backgrounds, educational systems and ideological perspectives mirror the diversity that exists among the nations and peoples of our planet. It is a consensus instrument that draws on a number of different educational philosophies and pedagogic methods to promote its goals. The significance of this Recommendation derives in large measure from the fact that in it the UNESCO Member States were able to agree on a comprehensive set of principles and policies governing international education. In the international arena, this agreement gives political legitimacy to efforts designed to promote global and human rights education.

The Recommendation can also provide American educators with important insights about attitudes and values that their peers in other parts of the world wish to see reflected in international education programs. Such programs can greatly benefit from intellectual cross-fertilization and transnational cooperation.

The progress in international education during the last several decades has been toward greater realism as evidenced by the articulation of more concrete goals. There seems to be a clearer perception of the reality of global interdependence and its relation to the national interest; an increased appreciation of the interrelationship of ongoing school programs with other parts of the social and educational systems; a growing recognition of the importance of the structure of the school as well as the content of curriculum; an awareness of the importance of teacher preparation as well as the production of appropriate curriculum materials; and, finally, a sharper focus on education as a means of enhancing the average citizen's motivation to participate in world affairs rather than being a passive observer.

Many of these concerns are reflected in the educational principles that the UNESCO Recommendation articulates. In the realization of these principles, human rights education becomes an integral part of international education; life-long education takes on a higher priority than schooling restricted to the years from 6 to 16; the value of interdisciplinary international education is recognized; and the importance of knowledge about the efforts of various international organizations in helping to solve local, national and world problems is stressed.

The emphasis on enhanced knowledge of international human rights efforts in this Recommendation reflects a widely shared view about the importance of education in exploring the universality of mankind's yearning for human rights. (The scope of this universality is attested to by the many human rights instruments that the UN and other international and regional organizations have adopted.) Programs that fail to take account of the long-range political implications of the international human rights movement and the dynamics of the international processes and systems that give it increasing vitality clearly fail to respond to some of the most basic human needs and political issues of our times. This is one aspect of international education that American educators cannot afford to neglect.

Education has a tremendous but unrealized potential for influencing the international orientations of students. Action to improve education in this respect must take place in a variety of modes and at all levels of instruction beginning no later than the elementary school.

Laudable ideas about international understanding and peace represent only a small first step in a very complex process. Teachers need preparation which will help them to optimally utilize not only available materials but also the possibilities for meaningful interaction among students, and between students and teachers. The current practice of stressing factual material will need to be supplemented by a more dynamic issue-oriented discussion of the role that individuals, groups and nations play in today's world. An international and intercultural dimension should be an explicit and implicit part of classroom functioning. In this connection, it is worth emphasizing that the global perspective can be fostered through many subject areas without detracting from the mastery of prescribed material.

Instructional materials dealing with other countries will have to be improved and brought up to date and references to global problems included in many courses. Materials concerned with human rights need to be written since very little currently exists which meets the special needs of American students for a perspective on international human rights. One method, frequently adopted in UNESCO Associated School projects, is to choose a specific theme for study which has local, national and international ramifications. Human rights issues are particularly well-suited for this approach. But there are many other techniques to accomplish similar results.

Material which considers the dynamic processes of transnational interaction, analyzing the roles of governmental institutions (*e.g.*, the UN, World Health Organization, Universal Postal Union) and private organizations (*e.g.*, Amnesty International, multi-national corporations), is needed to supplement the current more static emphasis on the study of the structure of governmental organizations and the ceremonial activities of national leaders. The need is even more pressing for curriculum units which integrate all of these topics: the international protection of human rights, the international dimensions of local and national problems, the activities which comprise transnational interaction, and the process by which human beings come to understand the points of view of individuals from other nations and cultures. There is a great need for materials at the elementary as well as the secondary school level. Only when such teaching resources become available will it be possible to present the ramifications of realistic citizenship education in a global as well as domestic context.

Further research is needed into the nature of existing opinions and processes of attitude formation and change in young people. This should include the careful evaluation of materials and methods to minimize slippage between objectives and results. In-class interview projects and careful classroom observation undertaken by teachers as well as projects constructed by research specialists can contribute to this effort.

In the case of some individuals or school districts, attempts to implement the principles proclaimed in the Recommendation will simply require an intensification of on-going efforts to include an international dimension in classroom activities and to focus on the global aspects of social, economic and political problems.

A more concerted effort will be necessary to launch international human rights education. The stress in American civic education programs on domestic human rights, coupled with the failure of the United States to ratify major UN human rights treaties and the consequent lack of awareness of their existence on the part of Americans, makes a special educational effort necessary. Those who would undertake this task must not only familiarize themselves with the basic information regarding international human rights documents and institutions described in this book; they must also prepare curriculum and media materials as well as more effective classroom methods for making human rights problems meaningful to students.

It is our hope that those involved in education at all levels and in all forms will examine and analyze the 1974 UNESCO Recommendation with an eye toward its applicability in their own situation. The Recommendation consists of both a justification for linking international human rights with education for international understanding, cooperation, and peace and an extensive list of important elements of such education. Its agenda for action is sufficiently compelling that one need not support the particular organization which has sponsored the Recommendation to favor its realization.

Whether Americans agree with all or most of its prescriptions is less important than the opportunity its adoption provides for a fresh look at what we are doing to prepare our young people to deal with the problems of tomorrow. It takes little imagination to predict that the problems of tomorrow will be more global or international both in terms of their implications and solutions than are the problems of today. "Global interdependence" may have become a cliche, but it is also increasingly true. American educational policymakers, administrators, curriculum developers, teachers, and university instructors responsible for pre-service and in-service teacher training will therefore need to give serious consideration to the steps that have to be taken by them to adapt educational policies and practices to this new reality. An analysis of the suggestions contained in the UNESCO Recommendation can facilitate this task and provide a useful point of departure for this reassessment. The Recommendation can perform a particularly important educational function in such a reassessment because many of the educational principles and policies that it proclaims reflect widely shared global perspectives and aspirations.

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I. Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 17 October to 23 November 1974, at its eighteenth session,

Mindful of the responsibility incumbent on States to achieve through education the aims set forth in the Charter of the United Nations, the Constitution of Unesco, the Universal Declaration of Human Rights and the Geneva Conventions for the Protection of Victims of War of 12 August 1949, in order to promote international understanding, co-operation and peace and respect for human rights and fundamental freedoms,

Reaffirming the responsibility which is incumbent on Unesco to encourage and support in Member States any activity designed to ensure the education of all for the advancement of justice, freedom, human rights and peace,

Noting nevertheless that the activity of Unesco and of its Member States sometimes has an impact only on a small minority of the steadily growing numbers of schoolchildren, students, young people and adults continuing their education, and educators, and that the curricula and methods of international education are not always attuned to the needs and aspirations of the participating young people and adults,

Noting moreover that in a number of cases there is still a wide disparity between proclaimed ideals, declared intentions and the actual situation,

Having decided, at its seventeenth session, that this education should be the subject of a recommendation to Member States,

Adopts this nineteenth day of November 1974, the present recommendation.

The General Conference recommends that Member States should apply the following provisions by taking whatever legislative or other steps may be required in conformity with the Constitutional practice of each State to give effect within their respective territories to the principles set forth in this recommendation.

The General Conference recommends that Member States bring this recommendation to the attention of the authorities, departments or bodies responsible for school education, higher education and out-of-school education, of the various organizations carrying out educational work among young people and adults such as student and youth movements, associations of pupils' parents, teachers' unions and other interested parties.

The General Conference recommends that Member States submit to it, by dates and in the form to be decided upon by the Conference, reports concerning the action taken by them in pursuance of this recommendation.

I. SIGNIFICANCE OF TERMS

1. For the purposes of this recommendation:

(a) The word *education* implies the entire process of social life by means of which individuals and social groups learn to develop consciously within, and for the benefit of, the national and international communities, the whole of their personal capacities, attitudes, aptitudes and knowledge. This process is not limited to any specific activities.

(b) The terms *international understanding, co-operation* and *peace* are to be considered as an indivisible whole based on the principle of friendly relations between peoples and States having different social and political systems and on the respect for human rights and fundamental freedoms. In the text of this recommendation, the different connotations of these terms are sometimes gathered together in a concise expression, *"international education"*.

(c) *Human rights* and *fundamental freedoms* are those defined in the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights.

II. SCOPE

2. This recommendation applies to all stages and forms of education.

III. GUIDING PRINCIPLES

3. Education should be infused with the aims and purposes set forth in the Charter of the United Nations, the Constitution of Unesco and the Universal Declaration of Human Rights, particularly Article 26, paragraph 2, of the last-named, which states: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace".

4. In order to enable every person to contribute actively to the fulfilment of the aims referred to in paragraph 3, and promote international solidarity and co-operation, which are necessary in solving the world problems affecting the individuals' and communities' life and exercise of fundamental rights and freedoms, the following objectives should be regarded as major guiding principles of educational policy:

(a) an international dimension and a global perspective in education at all levels and in all its forms;

(b) understanding and respect for all peoples, their cultures, civilizations, values and ways of life, including domestic ethnic cultures and cultures of other nations;

(c) awareness of the increasing global interdependence between peoples and nations;

(d) abilities to communicate with others;

(e) awareness not only of the rights but also of the duties incumbent upon individuals, social groups and nations towards each other;

(f) understanding of the necessity for international solidarity and co-operation;

(g) readiness on the part of the individual to participate in solving the problems of his community, his country and the world at large.

5. Combining learning, training, information and action, international education should further the appropriate intellectual and emotional development of the individual. It should develop a sense of social responsibility and of solidarity with less privileged groups and should lead to observance of the principles of equality in everyday conduct. It should also help to develop qualities, aptitudes and abilities which enable the individual to acquire a critical understanding of problems at the national and the international level; to understand and explain facts, opinions and ideas; to work in a group; to accept and participate in free discussions; to observe the elementary rules of procedure applicable to any discussion; and to base value-judgements and decisions on a rational analysis of relevant facts and factors.

6. Education should stress the inadmissibility of recourse to war for purposes of expansion, aggression and domination, or to the use of force and violence for purposes of repression, and should bring every person to understand and assume his or her responsibilities for the maintenance of peace. It should contribute to international understanding and strengthening of world peace and to the activities in the struggle against colonialism and neo-colonialism in all their forms and manifestations, and against all forms and varieties of racialism, fascism, and apartheid as well as other ideologies which breed national and racial hatred and which are contrary to the purposes of this recommendation.

IV. NATIONAL POLICY, PLANNING AND ADMINISTRATION

7. Each Member State should formulate and apply national policies aimed at increasing the efficacy of education in all its forms and strengthening its contribution to international understanding and co-operation, to the maintenance and development of a just peace, to the establishment of social justice, to respect for and application of human rights and fundamental freedoms, and to the eradication of the prejudices, misconceptions, inequalities and all forms of injustice which hinder the achievement of these aims.

8. Member States should in collaboration with the National Commissions take steps to ensure co-operation between ministries and departments and co-ordination of their efforts to plan and carry out concerted programmes of action in international education.

9. Member States should provide, consistent with their constitutional provisions, the financial, administrative, material and moral support necessary to implement this recommendation.

V. PARTICULAR ASPECTS OF LEARNING, TRAINING AND ACTION

Ethical and civic aspects

10. Member States should take appropriate steps to strengthen and develop in the processes of learning and training, attitudes and behaviour based on recognition of the equality and necessary interdependence of nations and peoples.

11. Member States should take steps to ensure that the principles of the Universal Declaration of Human Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination become an integral part of the developing personality of each child, adolescent, young person or adult by applying these principles in the daily conduct of education at each level and in all its forms, thus enabling each individual to contribute personally to the regeneration and extension of education in the direction indicated.

12. Member States should urge educators, in collaboration with pupils, parents, the organizations concerned and the community, to use methods which appeal to the creative imagination of children and adolescents and to their social activities and thereby to prepare them to exercise their rights and freedoms while recognizing and respecting the rights of others and to perform their social duties.

13. Member States should promote, at every stage of education, an active civic training which will enable every person to gain a knowledge of the method of operation and the work of public institutions, whether local, national or international, to become acquainted with the procedures for solving fundamental problems; and to participate in the cultural life of the community and in public affairs. Wherever possible, this participation should increasingly link education and action to solve problems at the local, national and international levels.

14. Education should include critical analysis of the historical and contemporary factors of an economic and political nature underlying the contradictions and tensions between countries, together with study of ways of overcoming these contradictions, which are the real impediments to understanding, true international co-operation and the development of world peace.

15. Education should emphasize the true interests of peoples and their incompatibility with the interests of monopolistic groups holding economic and political power, which practise exploitation and foment war.

16. Student participation in the organization of studies and of the educational establishment they are attending should itself be considered a factor in civic education and an important element in international education.

Cultural aspects

17. Member States should promote, at various stages and in various types of education, study of different cultures, their reciprocal influences, their perspec-

tives and ways of life, in order to encourage mutual appreciation of the differences between them. Such study should, among other things, give due importance to the teaching of foreign languages, civilizations and cultural heritage as a means of promoting international and inter-cultural understanding.

Study of the major problems of mankind

18. Education should be directed both towards the eradication of conditions which perpetuate and aggravate major problems affecting human survival and well-being — inequality, injustice, international relations based on the use of force — and towards measures of international co-operation likely to help solve them. Education which in this respect must necessarily be of an interdisciplinary nature should relate to such problems as:

(a) equality of rights of peoples, and the right of peoples to self-determination;

(b) the maintenance of peace; different types of war and their causes and effects; disarmament; the inadmissibility of using science and technology for warlike purposes and their use for the purposes of peace and progress; the nature and effect of economic, cultural and political relations between countries and the importance of international law for these relations, particularly for the maintenance of peace;

(c) action to ensure the exercise and observance of human rights, including those of refugees; racialism and its eradication; the fight against discrimination in its various forms;

(d) economic growth and social development and their relation to social justice; colonialism and decolonization; ways and means of assisting developing countries; the struggle against illiteracy; the campaign against disease and famine; the fight for a better quality of life and the highest attainable standard of health; population growth and related questions;

(e) the use, management and conservation of natural resources, pollution of the environment;

(f) preservation of the cultural heritage of mankind;

(g) the role and methods of action of the United Nations system in efforts to solve such problems and possibilities for strengthening and furthering its action.

19. Steps should be taken to develop the study of those sciences and disciplines which are directly related to the exercise of the increasingly varied duties and responsibilities involved in international relations.

Other aspects

20. Member States should encourage educational authorities and educators to give education planned in accordance with this recommendation an interdisciplinary, problem-oriented content adapted to the complexity of the issues

involved in the application of human rights and in international co-operation, and in itself illustrating the ideas of reciprocal influence, mutual support and solidarity. Such programmes should be based on adequate research, experimentation and the identification of specific educational objectives.

21. Member States should endeavour to ensure that international educational activity is granted special attention and resources when it is carried out in situations involving particularly delicate or explosive social problems in relations, for example, where there are obvious inequalities in opportunities for access to education.

VI. ACTION IN VARIOUS SECTORS OF EDUCATION

22. Increased efforts should be made to develop and infuse an international and inter-cultural dimension at all stages and in all forms of education.

23. Member States should take advantage of the experience of the Associated Schools which carry out, with Unesco's help, programmes of international education. Those concerned with Associated Schools in Member States should strengthen and renew their efforts to extend the programme to other educational institutions and work towards the general application of its results. In other Member States, similar action should be undertaken as soon as possible. The experience of other educational institutions which have carried out successful programmes of international education should also be studied and disseminated.

24. As pre-school education develops, Member States should encourage in it activities which correspond to the purposes of the recommendation because fundamental attitudes, such as, for example, attitudes on race, are often formed in the pre-school years. In this respect, the attitude of parents should be deemed to be an essential factor in the education of children, and the adult education referred to in paragraph 30 should pay special attention to the preparation of parents for their role in pre-school education. The first school should be designed and organized as a social environment having its own character and value, in which various situations, including games, will enable children to become aware of their rights, to assert themselves freely while accepting their responsibilities, and to improve and extend through direct experience their sense of belonging to larger and larger communities — the family, the school, then the local, national and world communities.

25. Member States should urge the authorities concerned, as well as teachers and students, to re-examine periodically how post-secondary and university education should be improved so that it may contribute more fully to the attainment of the objectives of this recommendation.

26. Higher education should comprise civic training and learning activities for all students that will sharpen their knowledge of the major problems which they should help to solve, provide them with possibilities for direct and continuous action aimed at the solution of those problems, and improve their sense of international co-operation.

27. As post-secondary educational establishments, particularly universities, serve growing numbers of people, they should carry out programmes of international education as part of their broadened function in life-long education and should in all teaching adopt a global approach. Using all means of communication available to them, they should provide opportunities, facilities for learning and activities adapted to people's real interests, problems and aspirations.

28. In order to develop the study and practice of international co-operation, post-secondary educational establishments should systematically take advantage of the forms of international action inherent in their role, such as visits from foreign professors and students and professional co-operation between professors and research teams in different countries. In particular, studies and experimental work should be carried out on the linguistic, social, emotional and cultural obstacles, tensions, attitudes and actions which affect both foreign students and host establishments.

29. Every stage of specialized vocational training should include training to enable students to understand their role and the role of their professions in developing their society, furthering international co-operation, maintaining and developing peace, and to assume their role actively as early as possible.

30. Whatever the aims of out-of-school education, including adult education, they should be based on the following considerations:

(a) as far as possible a global approach should be applied in all out-of-school education programmes, which should comprise the appropriate moral, civic, cultural, scientific and technical elements of international education;

(b) all the parties concerned should combine efforts to adapt and use the mass media of communications, self-education, and inter-active learning, and such institutions as museums and public libraries to convey relevant knowledge to the individual, to foster in him or her favourable attitudes and a willingness to take positive action, and to spread knowledge and understanding of the educational campaigns and programmes planned in accordance with the objectives of this recommendation;

(c) the parties concerned, whether public or private, should endeavour to take advantage of favourable situations and opportunities, such as the social and cultural activities of youth centres and clubs, cultural centres, community centres or trade unions, youth gatherings and festivals, sporting events, contacts with foreign visitors, students or immigrants and exchanges of persons in general.

31. Steps should be taken to assist the establishment and development of such organizations as student and teacher associations for the United Nations, international relations clubs and Unesco Clubs, which should be associated with the preparation and implementation of co-ordinated programmes of international education.

32. Member States should endeavour to ensure that, at each stage of school and

out-of-school education, activities directed toward the objectives of this recommendation be co-ordinated and form a coherent whole within the curricula for the different levels and types of education, learning and training. The principles of co-operation and association which are inherent in this recommendation should be applied in all educational activities.

VII. TEACHER PREPARATION

33. Member States should constantly improve the ways and means of preparing and certifying teachers and other educational personnel for their role in pursuing the objectives of this recommendation and should, to this end:

(a) provide teachers with motivations for their subsequent work: commitment to the ethics of human rights and to the aim of changing society, so that human rights are applied in practice; a grasp of the fundamental unity of mankind; ability to instil appreciation of the riches which the diversity of cultures can bestow on every individual, group or nation;

(b) provide basic interdisciplinary knowledge of world problems and the problems of international co-operation, through, among other means, work to solve these problems;

(c) prepare teachers themselves to take an active part in devising programmes of international education and educational equipment and materials, taking into account the aspirations of pupils and working in close collaboration with them;

(d) comprise experiments in the use of active methods of education and training in at least elementary techniques of evaluation, particularly those applicable to the social behaviour and attitudes of children, adolescents and adults;

(e) develop aptitudes and skills such as a desire and ability to make educational innovations and to continue his or her training; experience in teamwork and in interdisciplinary studies; knowledge of group dynamics; and the ability to create favourable opportunities and take advantage of them;

(f) include the study of experiments in international education, especially innovative experiments carried out in other countries, and provide those concerned, to the fullest possible extent, with opportunities for making direct contact with foreign teachers.

34. Member States should provide those concerned with direction, supervision or guidance — for instance, inspectors, educational advisers, principals and teacher-training colleges and organizers of educational activities for young people and adults — with training, information and advice enabling them to help teachers work toward the objectives of this recommendation, taking into account the aspirations of young people with regard to international problems and new educational methods that are likely to improve prospects for fulfilling these aspirations. For these purposes, seminars or refresher courses relating to

international and inter-cultural education should be organized to bring together authorities and teachers; other seminars or courses might permit supervisory personnel and teachers to meet with other groups concerned such as parents, students and teachers' associations. Since there must be a gradual but profound change in the role of education, the results of experiments for the remodelling of structures and hierarchical relations in educational establishments should be reflected in training, information and advice.

35. Member States should endeavour to ensure that any programme of further training for teachers in service or for personnel responsible for direction includes components of international education and opportunities to compare the results of their experiences in international education.

36. Member States should encourage and facilitate educational study and refresher courses abroad, particularly by awarding fellowships, and should encourage recognition of such courses as part of the regular process of initial training, appointment, refresher training and promotion of teachers.

37. Member States should organize or assist bilateral exchanges of teachers at all levels of education.

VIII. EDUCATIONAL EQUIPMENT AND MATERIALS

38. Member States should increase their efforts to facilitate the renewal, production, dissemination and exchange of equipment and materials for international education, giving special consideration to the fact that in many countries pupils and students receive most of their knowledge about international affairs through the mass media outside the school. To meet the needs expressed by those concerned with international education, efforts should be concentrated on overcoming the lack of teaching aids and on improving their quality. Action should be on the following lines:

(a) appropriate and constructive use should be made of the entire range of equipment and aids available, from textbooks to television, and of the new educational technology;

(b) there should be a component of special mass media education in teaching to help the pupils select and analyse the information conveyed by mass media;

(c) a global approach, comprising the introduction of international components, serving as a framework for presenting local and national aspects of different subjects and illustrating the scientific and cultural history of mankind, should be employed in textbooks and all other aids to learning, with due regard to the value of the visual arts and music as factors conducive to understanding between cultures;

(d) written and audio-visual materials of an interdisciplinary nature illustrating the major problems confronting mankind and showing in each case the need for international co-operation and its practical form should be prepared in the language or languages of instruction of the country with the aid of information supplied by the United Nations, Unesco and other Specialized Agencies;

(e) documents and other materials illustrating the culture and the way of life of each country, the chief problems with which it is faced, and its participation in activities of world-wide concern should be prepared and communicated to other countries.

39. Member States should promote appropriate measures to ensure that educational aids, especially textbooks, are free from elements liable to give rise to misunderstanding, mistrust, racialist reactions, contempt or hatred with regard to other groups or peoples. Materials should provide a broad background of knowledge which will help learners to evaluate information and ideas disseminated through the mass media that seem to run counter to the aims of this recommendation.

40. According to its needs and possibilities, each Member State should establish or help to establish one or more documentation centres offering written and audio-visual material devised according to the objectives of this recommendation and adapted to the different forms and stages of education. These centres should be designed to foster the reform of international education, especially by developing and disseminating innovative ideas and materials, and should also organize and facilitate exchanges of information with other countries.

IX. RESEARCH AND EXPERIMENTATION

41. Member States should stimulate and support research on the foundations, guiding principles, means of implementation and effects of international education and on innovations and experimental activity in this field, such as those taking place in the Associated Schools. This action calls for collaboration by universities, research bodies and centres, teacher-training institutions, adult education training centres and appropriate non-governmental organizations.

42. Member States should take appropriate steps to ensure that teachers and the various authorities concerned build international education on a sound psycological and sociological basis by applying the results of research carried out in each country on the formation and development of favourable or unfavourable attitudes and behaviour, on attitude change, on the interaction of personality development and education and on the positive or negative effects of educational activity. A substantial part of this research should be devoted to the aspirations of young people concerning international problems and relations.

X. INTERNATIONAL CO-OPERATION

43. Member States should consider international co-operation a responsibility in developing international education. In the implementation of this recommendation they should refrain from intervening in matters which are essentially within the domestic jurisdiction of any State in accordance with the United Nations Charter. By their own actions, they should demonstrate that imple-

menting this recommendation is itself an exercise in international understanding and co-operation. They should, for example, organize, or help the appropriate authorities and non-governmental organizations to organize, an increasing number of international meetings and study session on international education; strengthen their programmes for the reception of foreign students, research workers, teachers and educators belonging to workers' associations and adult education associations; promote reciprocal visits by school children, and student teacher exchanges; extend and intensify exchanges of information on cultures and ways of life; arrange for the translation or adaptation and dissemination of information and suggestions coming from other countries.

44. Member States should encourage the co-operation between their Associated Schools and those of other countries with the help of Unesco in order to promote mutual benefits by expanding their experiences in a wider international perspective.

45. Member States should encourage wider exchanges of textbooks, especially history and geography textbooks, and should, where appropriate, take measures, by concluding, if possible, bilateral and multilateral agreements, for the reciprocal study and revision of textbooks and other educational materials in order to ensure that they are accurate, balanced, up-to-date and unprejudiced and will enhance mutual knowledge and understanding between different peoples.

II. The International Bill of Human Rights

A. Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was commited. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

B. International Covenant on Economic, Social and Cultural Rights

Adopted and opened for signiture, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966

Entry into force: 3 January 1976
(see article 27)

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility, to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their

political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(*a*) Remuneration which provides all workers, as a minimum, with:

- (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(*b*) Safe and healthy working conditions;

(*c*) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(*d*) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(*a*) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(*b*) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(*c*) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(*d*) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties of the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(*a*) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(*b*) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(*a*) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(*b*) The improvement of all aspects of environmental and industrial hygiene;

(*c*) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(*d*) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(*a*) Primary education shall be compulsory and available free to all;

(*b*) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(*c*) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(*d*) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(*e*) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(*a*) To take part in cultural life;

(*b*) To enjoy the benefits of scientific progress and its applications;

(*c*) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (*a*) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(*b*) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it

will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present

Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the State Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted

them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(*a*) Signatures, ratifications and accessions under article 26;

(*b*) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

C. International Covenant on Civil and Political Rights

Adopted and opened for signiture, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966

Entry into force: 26 March 1976
(see article 49).

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights, *Considering* the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legis-

lative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(*a*) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(*b*) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(*c*) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (*a*) No one shall be required to perform forced or compulsory labour;

(*b*) Paragraph 3 (*a*) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(*c*) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (*b*), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Enyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall

be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (*a*) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(*b*) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the

rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(*a*) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(*b*) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(*c*) To be tried without undue delay;

(*d*) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(*e*) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(*f*) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(*g*) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission

which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(*a*) For respect of the rights or reputations of others;

(*b*) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(*a*) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(*b*) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(*c*) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the

present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the proceeding articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(*a*) Twelve members shall constitute a quorum;

(*b*) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

(*a*) Within one year of the entry into force of the present Covenant for the States Parties concerned;

(*b*) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(*a*) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

(*b*) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.

(*c*) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

(*d*) The Committee shall hold closed meetings when examining communications under this article.

(*e*) Subject to the provisions of sub-paragraph (*c*), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant.

(*f*) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (*b*), to supply any relevant information.

(*g*) The States Parties concerned, referred to in sub-paragraph (*b*), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

(*h*) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (*b*), submit a report:

(i) If a solution within the terms of sub-paragraph (*e*) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of sub-paragraph (*e*) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 42

1. (*a*) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable

solution of the matter on the basis of respect for the present Covenant;

(*b*) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(*a*) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(*b*) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(*c*) If a solution within the terms of sub-paragraph (*b*) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(*d*) If the Commission's report is submitted under sub-paragraph (*c*), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Committee, and of the *ad hoc* conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt within the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the

present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(*a*) Signatures, ratifications and accessions under article 48;

(*b*) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally

authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

D. Optional Protocol to the International Covenant on Civil and Political Rights

Adopted and opened for signiture, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966

Entry into force: 26 March 1976

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant,

Have agreed as follows:

Article 1

A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.

Article 2

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

Article 3

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

Article 4

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

Article 5

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(*a*) The same matter is not being examined under another procedure of international investigation or settlement;

(*b*) The individual has exhausted all available domestic remedies.

This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

Article 6

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

Article 7

Pending the achievement of the objectives of resolution 1514 (XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

Article 8

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 9

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 10

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 11

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering

and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 12

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

Article 13

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

(*a*) Signatures, ratifications and accessions under article 8;

(*b*) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;

(*c*) Denunciations under article 12.

Article 14

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally

authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

III. List of International and Regional Human Rights Instruments

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The UN has published a collection of international human rights documents, entitled *Human Rights: A Compilation of International Instruments of the United Nations*, UN Sales No. E.73.XIV.2, $3.00 The following documents are reproduced in this collection:

A. The International Bill of Human Rights

1. Universal Declaration of Human Rights
2. International Covenant on Economic, Social and Cultural Rights
3. International Covenant on Civil and Political Rights
4. Optional Protocol to the International Covenant on Civil and Political Rights

B. The Proclamation of Teheran

5. Proclamation of Teheran

C. The Right of Self-Determination

6. Declaration on the Granting of Independence to Colonial Countries and Peoples
7. General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent Sovereignty over Natural Resources"

D. Prevention of Discrimination

8. United Nations Declaration on the Elimination of All Forms of All Forms of Racial Discrimination
9. International Convention on the Elimination of All Forms of Racial Discrimination
10. Discrimination (Employment and Occupation) Convention
11. Convention against Discrimination in Education
12. Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking a settlement of any disputes which may arise between States Parties to the Convention against Discrimination In Education
13. Equal Remuneration Convention
14. Declaration on the Elimination of Discrimination against Women

E. War Crimes and Crimes Against Humanity, Including Genocide

15. Convention on the Prevention and Punishment of the Crime of Genocide
16. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

F. Slavery, Servitude, Forced Labour and Similar Institutions and Practices

17. Slavery Convention
18. Protocol amending the Slavery Convention signed at Geneva on 25 September 1926
19. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
20. Abolition of Forced Labour Convention
21. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

G. Nationality, Statelessness, Asylum and Refugees

22. Convention on the Nationality of Married Women
23. Convention on the Reduction of Statelessness
24. Convention relating to the Status of Stateless Persons
25. Convention relating to the Status of Refugees
26. Protocol relating to the Status of Refugees
27. Statute of the Office of the United Nations High Commissioner for Refugees
28. Declaration on Territorial Asylum

H. Freedom of Information

29. Convention on the International Right of Correction

I. Freedom of Association

30. Freedom of Association and Protection of the Right to Organise Convention
31. Right to Organise and Collective Bargaining Convention
32. Workers' Representatives Convention

J. Employment Policy

33. Employment Policy Convention

K. Political Rights of Women

34. Convention on the Political Rights of Women

L. Marriage and the Family, Childhood and Youth

35. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
36. Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

37. Declaration of the Rights of the Child
38. Declaration on the Promotion among Youth of the Ideals Of Peace Mutual Respect and Understanding between Peoples

M. Social Welfare, Progress and Development

39. Declaration on Social Progress and Development
40. Declaration on the Rights of Mentally Retarded Persons

N. Right to Enjoy Culture; International Cultural Development and Co-operation

41. Declaration of the Principles of International Cultural Co-operation.

Regional instruments, such as the European Convention of Human Rights and the American Declaration on the Rights and Duties of Man, as well as other relevant documents, may be found in Sohn & Buergenthal, *Basic Documents on International Protection of Human Rights* (Bobbs-Merrill, 1973).

IV. National Education Association Bicentennial Peace Studies Exposition Listing of Materials

The following materials were selected for display by the NEA Bicentennial Subcommittee for the Peace Studies Exposition at the 1975 NEA Peace Studies Exposition. They are available from these distributors:

1. **Simile II**
   1150 Silverado
   La Jolla, CA 92037
   Educational Simulations (games)
   - 1.1 *Crisis*—a game of war and peace (grades 10-12)
   - 1.2 *Conflict*—a futuristic simulation of a disarmed world (grades 10-12)
   - 1.3 *Star Power*—a game illustrating conflict resulting from economic disparities (grades 10-12)
   - 1.4 *Power Horn*—simpler version of Star Power (grades 7-9)
   - 1.5 *Guns or Butter*—a game illustrating the conflict between weapons production and economic welfare (grades 10-12)
2. **Quaker Project on Community Conflict**
   133 West 14th Street
   New York, NY 10011
   - 2.1 *A Preliminary Handbook* (Teachers and Trainees)—Useful suggestions on teaching about conflict at the elementary level
3. **Institute for the Study of Peace**
   St. Louis University
   221 North Grand Blvd.
   St. Louis, MO 63103
   - 3.1 *World Hunger and Our Response* (Film strip & Cassette)
   - 3.2 *Eating as Brothers and Sisters* (booklet)
   - 3.3 *Global City* (3 Filmstrips and Cassettes)
   - 3.4 *Educating for Peace and Justice*—A Manual for Teachers

   A variety of materials dealing primarily with economic justice and global hunger (grades 10-12)
4. **Peace Studies Program**
   American Friends Service Committee
   980 North Fair Oaks
   Pasadena, CA 91103
   - 4.1 *Victory Without Guns* by Carl Martz
   - 4.2 *LOS Simulation* by Eric Scott

   Lesson plans prepared by classroom teachers (grades 10-12)
5. **The Jane Addams Peace Association**
   1213 Race Street
   Philadelphia, PA 19107
   - 5.1 *Learning Peace*—a resource unit for teaching about peace (grades 10-12)
   - 5.2 *Peace Is in Our Hands*—a resource unit for teaching about peace (elementary)
   - 5.3 *Building Blocks for Peace*—teaching suggestions (kindergarten)
6. **Doubleday Multimedia**
   P.O. Box 11607
   1371 Reynolds Avenue
   Santa Ana, CA 92705
   - 6.1 *The Age of Megaton*—A sound filmstrip about the development of nuclear weapons and the arms race (grades 10-12)
   - 6.2 *The Nation State*—A sound filmstrip on the history and future of human political organization (grades 10-12)

7. Current Affairs
24 Danbury Road
Wilton, CN 06897
7.1 *A World Without War* (a sound filmstrip on war and means of preventing it (grades 9-10)

8. Center for Conflict Resolution
420 North Lake Street
Madison, WI 53715
8.1 *A Manual for Egalitarian Learning* – suitable for senior high and college including conflict studies, peace education, decision making, cooperative games and suggestions for peaceful children's games

9. Institute for World Order
1140 Ave. of Americas
New York, NY 10036
Ruth Sivard, ed.,
9.1 *World Military and Social Expenditures, 1972*
A comparison of governmental expenditures on weapons and security as opposed to social service and education

10. Board of Education of the City of New York
Division of Educational Planning and Support
Bureau of Social Studies
131 Livingston Street
Brooklyn, NY 11201
10.1 Resource Bulletin for teachers on war and peace studies
Provides sample units and suggests materials (grades 10-12)

11. Nonviolence and Children
Friends Peace Committee
1515 Cherry Street
Philadelphia, PA 19102
11.1 *For the Fun of It* by Marta Harrison – selected cooperative games (elementary level)

12. North Miami Beach Senior High
1247 N.E. 167th Street
North Miami Beach, FL 33162
12.1 *Man Between War and Peace*
12.2 *Quinmester Program course of instruction* (grades 11, 12)

13. Hayden Book Company, Inc.
Rochelle Park, NJ 07662
13.1 *The Environment* by Michael Piburn
13.2 *War and Prevention* by J and R Moore
13.3 *Paperbacks in a series on current issues* (grades 11, 12)

14. Center for International Programs and Comparative Studies
The University of the State of New York
The State Education Department
99 Washington Avenue
Albany, NY 12210
14.1 *Teaching Youth About Conflict and War* (Teaching Social Studies in an Age of Crisis #5, National Council for the Social Studies)
A variety of teachings suggestions and rationale for peace studies
14.2 *The July 1914 Crisis* (booklet-Wm. Nesbitt) – a book of readings on misperception and war (grades 11-12)
14.3 *Human Nature and War* (booklet-Wm. Nesbitt) – a book of readings on aggression (grades 11-12)
14.4 *The Alpha Crisis Game* – A simulation on the outbreak of World War I (grades 10-12)
14.5 *Teaching About War and Its Control* – A manual for teachers
14.6 *Data on the Human Crisis and Teachers Guide* – collection of data from which students can learn to generalize about war, poverty, pollution

15. Foreign Policy Association
345 East 46th Street
New York, NY 10017
15.1 *The Interdependence of Nations* by *Lester Brown*
15.2 *Interdependence and the World Economy* by James Howe
Simple single issue booklets useful for non-expert adults and senior high school

16. World Without War Publications
7245 South Merrill Avenue
Chicago, IL 60649
16.1 *War/Peace Film Guide* by Lucy Dougall – Describes a great variety of films and lists their distributors (grades 10-12)

17. American Friends Service Committee
15 Rutherford Place
New York, N.Y. 10003
17.1 Decisionmakers – a simulation on public issues (grades 10-12)

17.2 Workbook to End War — suggested learning experience for peace education

18. University of Missouri-St. Louis Center for International Studies
8001 Natural Bridge Road
St. Louis, MO 63121
18.1 Booklet #5 — *International Conflict* by A. T. Ferau — Part of Learning Package Series — Consortium for International Studies Education (university level)

19. Harper & Row, Publishers
Troy, MO 63379
19.1 *Issues and Perspectives* (New York Times Resource Library)
"Unorganized Violence" by P. H. Wiggins
"Human Nature and the Quest for Peace" by R. Roberts
"The Bumpy Road to Disarmament" by D. Johnson
"Deterrance World Policy" by A. H. Lubasch
"Media Violence" by H. Muson — a set of booklets dealing with war/peace issues and various forms of violence (secondary and junior college)

20. American Association for the Advancement of Science
1776 Massachusetts Avenue, N.W.
Washington, DC 20036
20.1 *Conflict Regulation by P. Wehr* (a study guide and bibliography, university level)

21. Randon House, Inc.
400 Hahn Road
Westminster, MD 21157
(free examination copies available)
21.1 *Peacekeeping* by Jack Fraenkel, Margaret Carter, Betty Reardon
21.2 *The Struggle for Human Rights* by Fraenkel, Carter, Reardon
21.3 *The Cold War and Beyond* by Lawrence Metcalf, Betty Reardon, Curt Colby
A set of booklets developed by the Institute for World Order (junior and senior high school)

22. Association for Supervision and Curriculum Development
1701 K St., N.W., Suite 1100
Washington, D.C. 20036
22.1 A.V. Guide for Peace Studies — a useful listing of films and filmstrips (adaptable to all levels)
22.2 Education for Peace: Focus on Mankind
22.3 ASCD 1973 Yearbook — a collection of essays on the relation of education to war and peace, justice and violence (university and classroom teachers)

23. Warren Schloat Productions, Inc.
150 White Plains Road
Tarrytown, NY 10591
23.1 *Patterns of Human Conflict*: three sound filmstrips on conflict as it operates from the personal level through the global (secondary level)

24. Center for War/Peace Studies
218 East 18th Street
New York, NY 10003
24.1 *Intercom* — A monthly journal with articles and ideas for classroom implementation (secondary level)

25. Oakland Schools
2100 Pontiac Lake Road
Pontiac, MI 48054
25.1 *Rosa Parks Story* — a set of slides and audio cassette describing the case which began the Montgomery bus boycott, a struggle for human rights (grades 5-8)
25.2 *A Notebook of Course Outlines for Peace Education*
25.3 *A Notebook of Newsletters and Bulletins on Peace Education*

ABOUT THE BOOK

The purpose of this book is to provide teachers, school administrators, curriculum writers, and university instructors with information for the development and assessment of education programs whose major thrust is mankind's quest for human dignity, human rights, and world peace. The history of international education efforts, reviewed in this book, points up the importance of new approaches to this area, including interdisciplinary efforts, research concerning the knowledge and attitudes of students, and intensified international cooperation. The authors believe that knowledge about international efforts to protect human rights must be an integral part of international education programs and of American citizenship education. This book therefore includes detailed information about the human rights activities of international and regional organizations; it explains the applicable principles of international law; it reviews the role of the United States in these efforts; and it assesses the political realities that affect the attitudes of governments and international organizations. A chapter of the book is devoted to a critical survey of selected curriculum materials dealing with international human rights and international education, which will be of particular interest to the classroom teacher.

The impetus for this book was provided by a 1974 UNESCO pronouncement on international education, entitled "Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms." The U.S. Government delegation that participated in the drafting of that instrument was headed by Dr. Thomas Buergenthal, one of the authors of this book. His co-author, Dr. Judith V. Torney, was a member of that delegation.

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THE US NATIONAL COMMISSION FOR UNESCO